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NAVAL POSTGRADUATE SCHOOL

MONTEREY, CALIFORNIA

THESIS

INTERNATIONAL POLICE COOPERATION ON COUNTERING TRANSNATIONAL TERRORISM

by

Hikmet Yapsan

June 2012

Thesis Advisor:
Second Reader:

Michael E. Freeman
David C. Tucker

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**INTERNATIONAL POLICE COOPERATION ON COUNTERING
TRANSNATIONAL TERRORISM**

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Submitted in partial fulfillment of the
requirements for the degree of

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ABSTRACT

Since the inception of modern police organizations, the police have been on the front lines of counter terrorism operations. The changing concept of terrorism into a more “transnational” nature has driven police organizations to devise new means to counter this challenge. International police cooperation on countering transnational terrorism is the product of this evolution.

There have been several initiatives to build a competent and effective international police cooperation organization to fight against transnational terrorism, and new ones are steadily proposed by different stakeholders in the international arena. Without understanding what makes an international police cooperation organization effective in countering transnational terrorism, these initiatives will only yield to further duplication of efforts, waste of resources, and a steep decrease in the overall performance of those organizations.

This project analyzes four international police cooperation organizations using the level of structural relations within the organization and geographic proximity as the independent variables. The cases are evaluated based on the performance of these organizations in achieving three organizational functions: information exchange, ad hoc assistance and capacity building, and policy coordination and contracting.

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LIST OF ACRONYMS AND ABBREVIATIONS

ATTF	Anti-Terrorism Task Force
AWFs	Analysis Work Files
CARICC	Central Asian Regional Information and Coordination Center
CCC	Command and Control Center
CEPOL	European Police College
CFF	Commission for the Control of INTERPOL's Files
CMJHA	European Council of the Ministers of Justice and Home Affairs
CT	Counter Terrorism
CTC	Counter Terrorism Committee
CTED	Counter Terrorism Executive Directorate
CTITF	Counter Terrorism Implementation Task Force
CTTF	Counter-Terrorism Task Force
EBDS	European Bomb Data System
EEODN	European Explosive Ordnance Disposal Network
EIS	EUROPOL Information System
ENFSI	European Network of Forensic Institutes
ENUs	EUROPOL National Units
EPE	EU Center for Law Enforcement Expertise
EU	European Union
EuNAT	European Network of Advisory Teams
EUROPOL	European Union Police Office
FIDE	EU Identification File of Customs Investigations
FRN	First Response Network
FTF	Fusion Task Force
GNI	Gross National Income
HENU	Heads of EUROPOL National Units Group
ICPC	International Criminal Police Commission
IMESTs	INTERPOL Major Events Support Teams
INFO-EX	Information Exchange System
INTERPOL	International Criminal Police Organization
IPCOs	International Police Cooperation Organizations
IRTs	Instant Response Teams
IVs	Independent Variables

JCC	Joint Cooperation Committee
JITs	Joint Investigation Teams
KMC	Knowledge Management Center
LOs	Liaison Officers
MS	Member States
NCBs	National Central Bureaus
NFPs	National Focal Points
OASIS	Overall Analysis System for Investigation Support
ODCCP	Office for Drug Control and Crime Prevention
OSCE/SPMU	Organization for Security and Cooperation in Europe/Strategic Police Matters Unit
PST	Public Safety and Terrorism Directorate
PWGT	Police Working Group on Terrorism
RCC	Regional Cooperation Council
RDWTI	RAND Database of World Terrorist Incidents Project
SALW	Small Arms and Light Weapons
SECI	Southeast European Cooperative Initiative
SEE	South East Europe
SEEPAG	South East European Prosecutors Advisory Group
SELEC	Southeast European Law Enforcements Center
SIENA	Secure Information Exchange Network Application
TE-SAT	Terrorism Situation and Trend Report
TF	Task Force
TPB	Terrorism Prevention Branch
TREVI	Terrorism, Radicalism, Extremism, and International Violence Group
UN	United Nations
UNICRI	UN Inter-Regional Crime and Justice Research Institute
UNODC	United Nations Office for Drugs and Crime
WCO	World Customs Organization
WMD	Weapons of Mass Destruction

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I. INTRODUCTION

A. INTERNATIONAL POLICE COOPERATION ON COUNTERING TRANSNATIONAL TERRORISM

The world has been struggling with the menace of terrorism for almost 250 years and police forces have always been an important stakeholder in this struggle. Against domestic terrorist groups, national police forces have led the counterterrorism effort,¹ but against transnational terrorist groups, police cooperation is critical, yet has often fallen victim to interstate and bureaucratic politics and cultures.²

To better counter transnational crime and terrorism, international police agencies began to cooperate with each other by forming International Police Cooperation Organizations (IPCOs).³ Beginning in the 1890s, police officials attempted to build collaborative bodies to address emerging subversive movements all over the world.⁴ Like terrorist groups, some IPCOs have been organized in a relatively bottom-up fashion, trying to adapt to the changing environment through connections, networks, and mutual adjustment. Connections have been maintained and sustained on the premises of mutual trust, national interests and organizational efficiency.⁵ Police officials have utilized, especially in the last two decades, informal communication channels such as phone calls,

¹ B. Peter Rosendorff and Todd Sandler, "The Political Economy of Transnational Terrorism," *The Journal of Conflict Resolution* 49, no. 2 (2005): 173, <http://www.jstor.org/stable/30045106>.

² *Defining Terrorism, WP 3, Deliverable 4* (Transnational Terrorism, Security, and the Rule of Law (TTSRL), 2008), 70–71, <http://www.transnationalterrorism.eu/tekst/publications/WP3%20Del%204.pdf>.

William L. Waugh distinguishes transnational terrorism into three groups: (1) spillover terrorism (non-citizen targets and perpetrators in relation to the locale), (2) integrated internal terrorism (either perpetrators or the victims are local), and (3) external terrorism (perpetrators reside outside the territory of the target country).

³ The first known international police cooperation initiative was launched in 1851 under the name Police Union of German States.

⁴ Nadia Gerspacher, "The History of International Police Cooperation: a 150-Year Evolution in Trends and Approaches," *Global Crime* 9, no. 1 (2008): 172, <http://search.ebscohost.com/login.aspx?direct=true&db=sih&AN=29435067&site=ehost-live&scope=site>.

⁵ Mathieu Deflem, "Global Rule of Law or Global Rule of Law Enforcement? International Police Cooperation and Counterterrorism," *Annals of the American Academy of Political and Social Science* 603, no. , Law, Society, and Democracy: Comparative Perspectives (2006): 244, <http://www.jstor.org/stable/25097769>.

fax, and e-mail messages. In some cases, direct correspondences between agencies that sidestep official diplomatic channels have had great effect. Electronic investigative databases and police liaison posts have facilitated these peer-to-peer relations.⁶

Even though the importance of international police cooperation to counter transnational terrorism is apparently understood by many policy makers and law enforcement practitioners, it is difficult to state that there is a consensus on the principles of creating effective and efficient IPCOs to fight against transnational terrorism. Universal well-intended initiatives to build such international structures have yielded either insufficient and ineffective outcomes or overlapping and complicated implementations. The already complicated and cumbersome methodologies became even worse with the increasing number of IPCOs or special bureaus that were established under the roof of international political agencies to coordinate and enhance international law enforcement cooperation in the last two decades of the twentieth century. With this perspective, the main research question that this project attempts to scrutinize is what makes an effective international police cooperation organization to counter terrorism.

Measuring the absolute effectiveness of IPCOs is a daunting task. The heightened controls on the disclosure of personal and operational information put significant limitations on the available data. In addition to that, neither IPCOs nor other unclassified resources are keen to announce the number of arrests and/or disrupted terrorist organizations as a result of international cooperation. Although this kind of information would be quite useful to make comparisons between the effectiveness of IPCOs, only a few IPCOs share this kind of information with the public and the available data is inadequate to run comparative analyses. Notwithstanding that, the data on exchanged messages is insufficient to draw conclusions on the effectiveness of these organizations.⁷

⁶ Ersel Aydinli and Hasan Yon, "Transgovernmentalism Meets Security: Police Liaison Officers, Terrorism, and Statist Transnationalism," *Governance* 24, no. 1 (2011): 55–84, <http://dx.doi.org/10.1111/j.1468-0491.2010.01512.x>.

⁷ Nadia Gerspacher, "International Police Cooperation Institutions as a Response to Transnational Crime: A Study of Institutional Effectiveness" (Graduate College of the University of Illinois at Chicago, 2002), 9.

Therefore, this thesis intends to gauge the effectiveness of IPCOs by adopting an indirect methodology that has been also favored in some similar scholarly studies.⁸ In that indirect methodology, the author analyzes the accomplishments of IPCOs in carrying out their fundamental organizational functions. These functions have emerged either by design or as an evolutionary consequence of organizational necessity and aptness. According to the literature, IPCOs have primarily three distinctive functions: (1) information exchange, (2) contracting and policy coordination, and (3) ad hoc assistance and capacity building.⁹ The author concludes that the levels of effectiveness of the IPCOs vary due to the fact that some are more successful than others in operationalizing these three functions.

These three functions matter because they can help national law enforcement agencies improve their three fundamental power sources against transnational terrorism. Information exchange activities aid police and other law enforcement agencies in gaining the information advantage over terrorist groups. The information advantage is the key element that exists in the core of counter terrorism and/or counter insurgency strategies.¹⁰ Capacity building and ad hoc assistance activities improve the material resources and organizational know-how of the national agencies against transnational terrorism. Moreover, ad hoc assistance provided by the IPCOs alleviates the pressure on the

⁸ Gerspacher, "International Police Cooperation Institutions as a Response to Transnational Crime: A Study of Institutional Effectiveness"; Max-Peter Ratzel, "EUROPOL in the Combat of International Terrorism," in *Understanding and Responding to Terrorism* (Amsterdam, NLD: IOS Press, 2007), 11–16; Mathieu Deflem, "International Police Cooperation against Terrorism: INTERPOL and EUROPOL in Comparison," in *Understanding and Responding to Terrorism* (Amsterdam, Netherlands: IOS Press, 2007), 17–26; Jennifer Hurst, "INTERPOL - Providing Support and Assistance to Combat International Terrorism," in *Understanding and Responding to Terrorism*, ed. H. Durmaz, B. Sevinc, and A. S. Yayla (Amsterdam, Netherlands: IOS Press, 2007), 3–10; Mathieu Deflem, "Bureaucratization and Social Control: Historical Foundations of International Police Cooperation," *Law & Society Review* 34, no. 3 (2000): pp. 739–778, <http://www.jstor.org/stable/3115142>.

⁹ Gerspacher, "International Police Cooperation Institutions as a Response to Transnational Crime: A Study of Institutional Effectiveness," 9–11.

¹⁰ Gordon H. McCormick, Steven B. Horton, and Lauren A. Harrison, "Things Fall Apart: The Endgame Dynamics of Internal Wars," *Third World Quarterly* 28, no. 2 (2007): 327, <http://search.ebscohost.com/login.aspx?direct=true&db=bth&AN=24153028&site=ehost-live&scope=site>; David J. Kilcullen, U.S. Government Counterinsurgency Initiative., and U.S. Government Counterinsurgency Conference, "Three Pillars of Counterinsurgency", 2006, 5, <http://www.usgcoin.org/docs1/3PillarsOfCounterinsurgency.pdf>.

national agencies, especially in the wake of major events and/or in the aftermath of major terrorist attacks, and enable those national agencies to thoroughly focus, organize, and address security problems. Policy coordination and the contracting function of IPCOs provide a more coherent, robust, and internationally compatible law enforcement response to transnational terrorism.

The author contends that two fundamental features of these organizations, namely the structural relations of the IPCOs and the geographic proximity of the constituent agencies, have decisive impacts on task accomplishment. In that regard, this study analyzes the effectiveness of the IPCOs on countering transnational terrorism (the dependent variable) as the collective achievement of the three said functions through the variations over structural relations and geographic proximity (the independent variables). The author codes the structural relations as considering transgovernmental relations on one end of the spectrum and intergovernmental relations on the other end. On the account of geographic proximity, the author divides the IPCOs in two groups based on their organizational structures as regional and global organizations.

In its ideal form, a successful IPCO is expected to have open communication channels including both formalized, sophisticated digital networks and liaison officers working in close relationship with their counterparts. In terms of information exchange, providing timely and actionable intelligence and facilitating the exchange of best practices and professional information are two of the central utilities of those agencies. Since IPCOs are designed to undertake professional tasks rather than dealing with political problems, the organizations should be constructed on mutual trust and operate duly relying on professional virtues and voluntarily participation in addressing common problems. Moreover, an effective IPCO should be capable of providing technical and professional assistance to requesting law enforcement agencies. In order to achieve these functions, an effective IPCO is required to have a distinctive institutional identity while keeping its relevance and influential power on political authorities to convince them to adopt or modify legal regulations in the required areas.

Building an international organization based on orthodox relationship structures is necessary but not sufficient. IPCOs should also be capable of responding to the

challenges that these organizations are initially aimed to address. In that regard, the author argues that the nature and operational features of transnational terrorism at the group level should also be evaluated. The international police cooperation agencies' organizational features should be compatible with the targeted problem. According to the available data, transnational terrorism at the group level is a regional problem and thus, the solutions would be in a regional fashion.

In this thesis, the author argues that the international collaborative police institutions may better achieve their fundamental tasks of countering transnational terrorism so long as they are constructed on transgovernmental relations and operate as regional networks. On one hand, transgovernmental relations would enable swift, accurate, and flexible information exchange while creating a strong sense of trust, professionalism, and fertile organizational climate for further cooperation. On the other hand, regionalization or geographic proximity may help them to work on symmetrically concerning problems and overcome linguistic, cultural, and logistical problems.

B. METHODOLOGY

The three mentioned functions of the IPCOs are highly intertwined and mutually affect each other. In this section, the author intends to discuss the impacts of the selected independent variables on these three effectiveness indicators.

In assessing information exchange capacities, this thesis researches if an IPCO has an information exchange structure. If the organization has managed to build such a mechanism, then this information exchange mechanism is analyzed whether it is an automated electronic system and/or a network of liaison officers. The contracting power and policy coordination capabilities are evaluated based on the scope of the binding power of their mandates and the legal/political mechanisms to adapt to the changing environment. Finally, ad hoc assistive and capacity building activities are analyzed over the direct technical assistance provided by the organization and deployed investigation and/or advisory teams in the requesting countries.

Contemporary IPCOs can partially manifest all of these three features. For instance, the United Nations Office for Drugs and Crime (UNODC) is relatively

successful on the capacity building and ad hoc assistance function whereas the International Criminal Police Organization (INTERPOL) lacks sophisticated electronic networks, databases, and dedicated contact bureaus working around the clock. On the other hand, owing to its 190 member countries, INTERPOL loses the benefits of a face-to-face working human interface that is extremely helpful in expediting information exchange and tackling problems in coordination and communication. Although the European Union Police Office (EUROPOL) has these abovementioned dual information exchange interfaces, because of its limited mandate it engages in cooperation with different national/international agencies in other parts of the world to have a more robust and comprehensive database. Even though EUROPOL has considerably powerful binding power and enjoys political backing from the European Union (EU), political agendas of the states still have the upper hand in EUROPOL's activities. This thesis will attempt to unearth the dynamics that make an IPCO relatively more successful in addressing transnational terrorism.¹¹

To understand why transgovernmental organizations are more effective than intergovernmental organizations at countering terrorism, one must consider the differences between these two kinds of organizations. Similarly, one must consider the difference between regional and global organizations.

¹¹ Most studies on IPCOs do not differentiate transnational organized crime from transnational terrorism. Transnational crimes can be divided into two broad groups: politically sensitive and insensitive crimes. There is no doubt that international criminal activities threaten the international system, welfare, and security of nations. However, maintaining voluntary participation from states on countering politically sensitive crimes such as terrorism and hate crimes has always been difficult. Even today, the international community does not have a clear cut definition of terrorism. Moreover, politically sensitive crimes are usually perpetrated by a group of people who are organized in a specific way around an ideology or way of thinking, directly targeting to change the politics of a nation or topple political authorities. They generate "us vs. them" situations. Consequences of those types of crimes generally impact more than two nations, religions, or countries. The fear of terror and violence has more destructive results on the victimized societies. Political centers have been a natural actor in this struggle.

On the other hand, non-political crimes such as petty crimes, crimes against property, drug trafficking, and to some extent human trafficking are considered threats to societies. In that case, humanity in general is victimized. For this reason, countries find wider grounds to voluntarily pool and coordinate their resources. Except for the drug cartels in Latin America and a few organized crime groups in Southern Europe, any criminal group has had the capacity and reason to directly confront governmental authorities to sustain their activities.

1. Structural Relations: Intergovernmental vs. Transgovernmental Relations

Intergovernmental cooperative relationships arise when states form permanent international institutions at the state-to-state level. Information exchange is formalized within the confines of diplomatic practices and strategic and tactical decision-making processes are highly influenced by the dynamics of state level international relations.¹²

On the other hand, transgovernmental relations occur when sub-state actors interact directly with their corresponding counterparts in other states “and these sub-units of different governments are not controlled or closely guided by the policies of chief executives of those governments.”¹³ In this kind of setting, organizational cultures, institutional identities and norms and practices play key roles, and information exchange is semi-formalized including formal and fraternal relations. The impetus for cooperation is mostly professional rather than political. Decision-making processes are comparatively more democratic and institutions have tactical, operational, and to some extent strategic level autonomy in shaping their strategies.¹⁴

Transgovernmentalism, a concept developed by Keohane and Nye in the 1970s, basically criticizes the frustrating delays in operationalizing cooperation ideas, long and complicated decision-making procedures, and dubious integrity of international bureaucrats.¹⁵ Taking into account the impacts of the developments in telecommunications and transportation means, transgovernmentalism theory asserts that national institutions have been getting closer to each other.¹⁶

¹² Joseph S. Nye, *Understanding International Conflicts: An Introduction to Theory and History* (New York: Pearson Longman, 2009), 10.

¹³ Robert O. Keohane and Joseph S. Nye, “Transgovernmental Relations and International Organizations,” *World Politics* 27, no. 1 (1974): 43, <http://www.jstor.org/stable/2009925>.

¹⁴ *Ibid.*, 42.

¹⁵ Transgovernmentalism theory was developed by Robert O. Keohane and Joseph S. Nye in the 1970s. The primary goal of the theory was to explain the characteristics of contemporary transnational agency-to-agency relations.

¹⁶ Keohane and Nye, “Transgovernmental Relations and International Organizations,” 39; Kal Raustiala, “The Architecture of International Cooperation: Transgovernmental Networks and the Future of International Law,” *Virginia Journal of International Law*. 43, no. 1 (2002): 5.

There are two basic types of cooperative transgovernmental behavior: policy coordination and transgovernmental coalition building.¹⁷ Transnational interactions are argued to make societies more sensitive to each other and this sensitivity eventually leads to taking into account the ‘others’ while making decisions, even on some very delicate issues.¹⁸ They define policy coordination as the activities that enable the smooth implementation or adjustment of policies in the lack of superior political leadership. On the other hand, they outline transgovernmental coalition building as the outcome that occurs when “like-minded agencies” form transnational bodies with different governments against components of their own administrative structures.¹⁹

The necessary conditions for national police agencies to collaborate are having a distinctive institutional identity and the nurturing of an organizational culture compatible with the international policing community. Mathieu Deflem concludes in his “Bureaucratization Theory” that police agencies can accomplish their goals only if they attain some level of autonomy from their political centers. This domestic level of autonomy also yields similar ramifications at the international level.

Deflem’s theory takes Weber’s definition of the bureaucratic organization as legitimate, professionalized, autonomous organizational structures.²⁰ Deflem defines bureaucratic autonomy as the detachment from the political authorities’ direct influence, and professional independence of the police in determining the most appropriate means in reaching the depicted ends of the state. He sees the depoliticization of the police as *a priori* condition for the operationalization of international police cooperation.²¹

This thesis argues that considering police organizations completely detached from political leadership is unrealistic. However, the autonomy of international police organizations should be interpreted as their freedom to design and use the appropriate

¹⁷ Keohane and Nye, “Transgovernmental Relations and International Organizations,” 44.

¹⁸ Ibid., 42.

¹⁹ Ibid., 44.

²⁰ Deflem, “Bureaucratization and Social Control: Historical Foundations of International Police Cooperation.”

²¹ Ibid., 742.

means to counter terrorism and other crimes. In this sense, the theories of transgovernmentalism and bureaucratization are convergent and mutually reinforcing in many aspects. The arguments of Deflem are *a priori* condition for the operationalization of international police cooperation in a transgovernmental structure.

According to Nadelmann, IPCOs do not coordinate policies but instead attempt to eliminate frictions in their transactions. In his “Harmonization Theory,” he contends that all multilateral cooperative policing initiatives basically strive to help law enforcement agencies to overcome disagreements arising from conflicting sovereignties, political tensions, and differences among law enforcement systems. In doing so, they try to establish some sort of consensus among criminal law systems that can create a new framework to enhance international police cooperation.²²

IPCOs do not have the customary functions and competencies of traditional law enforcement agencies. Instead, these institutions primarily serve as intelligence clearinghouses and as intermediary hubs in the transition of capacity building activities.²³ The author argues that IPCOs built on a transgovernmental structure would be successful in maintaining the required autonomy and mutual understanding to exchange information.

One of the fundamental goals of IPCOs is facilitating timely collection, processing, and sharing of information as well as providing a platform on which police agencies can efficiently interact with each other. The whole concept of institutional police cooperation has been formed around the timely, adequate, and secure exchange of “processed” information.²⁴

²² Huseyin Ors, “What are the Lessons That Can Be Learned From Turkey’s Transnational Operational Police Cooperation Experiences?” (Rutgers The State University of New Jersey - Newark, 2011), 17, <http://hdl.rutgers.edu/1782.1/rucore10002600001.ETD.000061088>.

²³ Nadia Gerspacher, “The Roles of International Police Cooperation Organizations,” *European Journal of Crime, Criminal Law and Justice* 13, no. 3 (2005): 413, <http://libproxy.nps.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=sih&AN=17752124&site=ehost-live&scope=site>.

²⁴ “History of the EUROPOL,” Official Website, *European Police Office*, 2012, <https://www.europol.europa.eu/content/page/history-149>.

Information has two dimensions in terms of policing purposes. First, raw data or unrefined information is processed to create actionable intelligence. Second, professional knowledge and experiences are exchanged.²⁵ This often leads to an increased awareness and willingness to work collaboratively on specific criminal matters such as drug trafficking and terrorism.²⁶ The raising of awareness is also one of the expected utilizations of transgovernmental organizations and a stepping stone for further policy coordination.

The impacts of structural relations can be seen mostly in the intelligence exchange abilities of IPCOs. IPCOs that cannot come up with functioning intelligence exchange mechanisms are more inclined to undertake capacity building and ad hoc assistance activities. Capacity building activities are relatively easier to implement because both the IPCO and the benefitting country gain some acquisitions. While carrying out these activities the IPCO gathers more material resources from the constituent national agencies/governments and enhance its credibility, and the benefitting country receives training and/or new equipment.

Potentially, international police organizations can be a highly effective tool to counter terrorism. As Michael D. Bayer argues, the “culture of the badge” provides an immediate basis of trust and commonality that can transcend borders, politics, religion, and ethnicity.²⁷ Studies on the efficiency of international police cooperation in the realm of counter terrorism suggest that proactive international policing measures against transnational terrorism may yield a return on investment (ROI) of \$200 per \$1 spent on police cooperation tactics.²⁸ It is a matter of fact that police agencies cannot counter ideologies or eliminate systemic causes of terrorism, but they can help prevent or at least mitigate terrorist incidents and run swift and comprehensive investigations that bring

²⁵ Gerspacher, “The Roles of International Police Cooperation Organizations,” 413.

²⁶ Ibid., 423.

²⁷ Michael D. Bayer, *The Blue Planet: Informal International Police Networks and National Intelligence* (Washington, DC: National Defense Intelligence College, Center for Strategic Intelligence Research, NDIC Press, 2010), <http://purl.fdlp.gov/GPO/gpo6214>.

²⁸ Sandler T., Arce D.G., and Enders W., “An Evaluation of Interpol’s Cooperative-Based Counterterrorism Linkages,” *Journal of Law and Economics* 54, no. 1 (2011): 79–110.

suspects to justice. Additionally, the use of police forces may help minimize the negative unintended consequences of harsher, militarized counter terrorism policies.

Transgovernmentalism, bureaucratization, and harmonization theories suggest a convergent line of thinking, where bureaucratization provides the preliminary premises for cooperation, transgovernmental relations and networks to jointly operationalize cooperative action. Consequently, coordinated policies and transgovernmental coalitions reduce tension between different police agencies and allow national police agencies to operate in an environment that is conducive for effective international cooperation.

2. Geographic Proximity: Regionalism vs. Globalism

While studying the ability of IPCOs to counter transnational terrorism, the impacts of regionalism can be analyzed in two dimensions: (1) problem-centric and (2) solution-centric. These two dimensions are equally important for operational police cooperation on countering transnational terrorism. The problem-centric dimension is related to the geographic accumulation of terrorist acts in specific geographic regions. The solution-centric dimension is the possible positive outcomes of regional cooperation organizations in facilitating cooperative action.

Terrorism has plagued almost all nations on earth in one way or another. In a geopolitical classification, terrorism has two basic forms: domestic and transnational. This project specifically scrutinizes the ways of countering transnational terrorism. Although terrorist groups exist in many regions of the world, the analysis of the data on terrorist activity shows that most terrorism is either entirely domestic or regionally based, and very little spans the globe.

According to data from the RAND Database of World Terrorist Incidents Project (RDWTI), 29,664 terrorist incidents occurred between 2000 and 2009. Of those 29,664 incidents, 7662 (25.82%) had been acclaimed by 615 different terrorist groups and 797 (10.40%) of those acclaimed incidents were coded as transregional terrorist attacks, perpetrated by 224 (36.42%) terrorist groups. The analysis of these 797 attacks shows that only 92 (1.2%) of all terrorist attacks were committed by six (0.97%) terrorist groups

that had been active in more than one specific geographic region.²⁹ The analysis also shows that transnational terrorist groups operate often within a specific geographic region, and this reality refers to the problem-centric dimension of the regional countermeasures against transnational terrorism problem (see footnotes).

On the flip side, regionalism is of great importance for any societal issue that requires collective action and mutual understanding. Specifically, in international police cooperation, where relations usually depend on mutual trust and sympathy, regional action is “the key” in initiating and sustaining counter terrorism activities. Notwithstanding that, regionalism also enables police agencies to be efficient in terms of time and allocated resources. Linguistic, cultural, and normative commonalities among

²⁹ “The RAND Database of World Terrorist Incidents” Official Website, RAND Corporation, 2012, http://smapp.rand.org/rwtid/search_form.php. (accessed 12/28/2011) The data comprises the period of Jan 1, 2000 to Dec 31, 2009—the latest date available in the data set.

Defining Terrorism, WP 3, Deliverable 4, 70. The criteria used to assess the geographical relevance of terrorism are (1) the country of the terrorist act, (2) the nationality of the perpetrator, and (3) the nationality of the target. The terrorist acts in which either one of the last two criteria is not coinciding with the first criterion are considered as non-domestic terrorist incidents.

“United Nations Statistics Division- Standard Country and Area Codes Classifications (M49)” Official Website, UN Statistics Division, 2011, <http://unstats.un.org/unsd/methods/m49/m49regin.htm>. (accessed 12/31/2011). The locations of terrorist incidents in the RAND data is grouped under 22 geographical sub-regions in five continents and based on the United Nations Statistical Division’s working categorization.

Audrey Kurth Cronin, “How Terrorism Ends - Understanding the Decline and Demise of Terrorist Organizations- Raw Data Download, MIPT Data”, 2009, <http://www.howterrorismends.com/about/raw-data-downloads>. One attack in North Africa that was attributed to the Taliban is ignored and Taliban (116 attacks in total) attacks are placed in the regional groups cluster.

In order to add further validation to the argument and prevent any biases, the MIPT (Memorial Institute for the Prevention of Terrorism) Knowledge Database was also analyzed. The cross-matching analysis of the terrorist groups that are flagged as “active” by the year 2006 with the RAND Database returns no results after 2000, but one incident for “Takfir wa Hijra” and two incidents for “Mujahedin-e Khal” in addition to “al-Qaeda.” The analysis of the MIPT Knowledge Database reveals that only 14 terrorist groups out of a total of 285 organizations that were active after 2000 till 2006 attempted/committed transregional terrorist activities. In addition, Polisario Front, National Socialist Council of Nagaland-Khaplang, People’s Liberation Front, and Arab Liberation Front cannot be considered as global terrorist organizations with given bases of operations.

Based on the research, aforementioned “global” terrorist groups are as follows: (1) Al-Qaeda, (2) Al-Qaeda in the Islamic Maghreb, (3) Basque Fatherland and Freedom (ETA), (4) Lord’s Resistance Army (LRA), (5) Oromo Liberation Front (OLF), and (6) Palestine Islamic Jihad (PIJ).

police agencies of neighboring states, as well as being exposed to similar problems in the same region, help them to truly understand their counterpart's positions and concerns.³⁰

Some might argue that regional organizations will be hindered in their ability to deal with truly global threats. However, regional organizations can and have overcome this impediment by integrating into worldwide policing networks, by establishing direct contacts with related countries or other regional entities, and through the mediation of peripheral countries.³¹

Regional organizations enhance the structural, functional, and cultural congruence of police organizations. This is an intuitive consequence due to the fact that police agencies around the world undertake similar tasks and employ similar strategies. The increasing interactions with international counterparts, as well as the common bureaucratization practices of nation states, have made police agencies functionally and culturally similar to their counterparts in other countries. This reality is called structural isomorphism in the literature and has a considerable impact on the formation of a common policing culture.³²

3. Case Selection

Currently, five IPCOs are seen to be very vigilant and active against transnational terrorism in the international arena: the United Nations Office for Drugs and Crime (UNODC), International Criminal Police Organization–INTERPOL, European Police Office (EUROPOL), Southeast European Law Enforcements Center (SELEC), and OSCE/SPMU (Organization for Security and Cooperation in Europe/Strategic Police Matters Unit). By dropping OSCE/SPMU from this list due to the distribution of countering terrorism tasks between different units such as the Anti-Terrorism Unit, SPMU, and to some extent the OSCE Office for Democratic Institutions and Human

³⁰ Keohane and Nye, "Transgovernmental Relations and International Organizations," 45.

³¹ EUROPOL has an operational agreement with the South Eastern Law Enforcement Center and cooperates with several non-EU member states, such as the U.S., Turkey, and Northern African countries as needed. EUROPOL also has other agreements with INTERPOL and the United Nations.

³² Raustiala, "The Architecture of International Cooperation: Transgovernmental Networks and the Future of International Law," 13.

Rights (ODIHR), this leaves four similarly-tasked ICPOs to be analyzed. The variation of these institutions with respect to the independent variables (IVs) is illustrated in Figure 1.

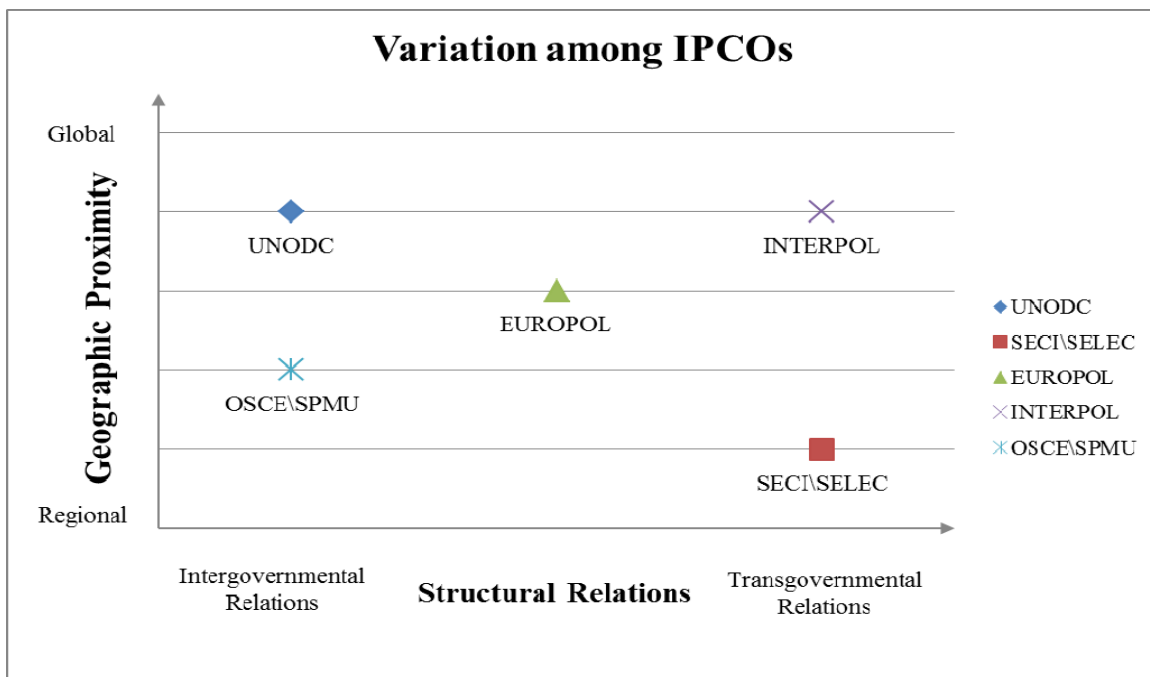


Figure 1. Variation Between IPCOs³³

For instance, the UNODC identifies itself as a global leader in fighting transnational crime and terrorism and the organization pays special attention to police cooperation.³⁴ Additionally, all of the scrutinized ICPOs resort to similar cooperative instruments to foster international police cooperation. Although the approaches and capabilities of each organization vary, which is the puzzle of this thesis, they consider police cooperation and international policing community as assets that can be utilized to

³³ Figure 1 demonstrates the basic variation of these case studies on the examined IVs. Nonetheless, the variation on the geographic proximity variable is not completely clear cut. For instance, EUROPOL's jurisdiction covers a relatively huge territory and it has direct contacts and strategic agreements with several countries outside Europe. In addition, the UNODC launches regional initiatives to increase its efficiency. It is also required to take note that EUROPOL's system can be argued as two-thirds transgovernmental and one-third intergovernmental. Since the Council of the European Union directly supervises EUROPOL, the European Union as an umbrella organization still has some gravity in the decision making and funding procedures.

³⁴ "About UNODC" Official Website, *United Nations Office on Drugs and Crime*, 2012, <http://www.unodc.org/unodc/en/about-unodc/index.html?ref=menutop>. (accessed 03/01/2012)

fight transnational terrorism. One of the most significant distinctions between transgovernmental and intergovernmental organizations is that the former organizations have investigative competencies and exchange intelligence whereas the latter rely on technical assistance and the harmonization of legal systems and policies.

The following four chapters will offer case studies of the UNODC, INTERPOL, EUROPOL and the SECI/SELEC respectively. The author will demonstrate that the more transgovernmental and regional an organization is, the more effectively it carries out the three key functions of (1) information exchange, (2) contracting and policy coordination, and (3) ad hoc assistance and capacity building.³⁵ These functions are a proxy for effectiveness against terrorism. The final chapter re-examines the hypotheses of the thesis based on the lessons learned in the case studies. Recommendations will be made to be applied on future police cooperative initiatives.

³⁵ Gerspacher, “International Police Cooperation Institutions as a Response to Transnational Crime: A Study of Institutional Effectiveness,” 9–11.

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II. INTERNATIONAL CRIMINAL POLICE ORGANIZATION (INTERPOL)

A. PURPOSE AND STRATEGY

INTERPOL is the largest police cooperation organization in the world with 190 national/federal police agencies as members. The primary mission of the organization is to “prevent and fight crime through enhanced international police cooperation.”³⁶ The primary goal of INTERPOL is to provide necessary tools, services, and communication channels to police agencies all over the world to do their jobs effectively.³⁷

INTERPOL has three core functions. First, the organization serves as a global police communications system that is open to any willing state's law enforcement agency. Second, it offers several sophisticated criminal databases and in-depth professional analysis on criminal issues. Lastly, through capacity building and awareness raising activities it supports police agencies in their proactive policing practices.³⁸

Since its reformation in 1956, three principles have landmarked INTERPOL's activities: (1) respect of national sovereignty, (2) enforcement of ordinary criminal law, and (3) universality.³⁹ The sovereignty principle has been interpreted as the enforcement of national laws by national police forces in their own territories. The principle of the enforcement of ordinary criminal law refers to the apolitical nature of the organization. INTERPOL Constitution prohibits the organization's involvement in any crimes that have political, military, religious or racial motivation.⁴⁰ Being influenced by the legacy of

³⁶ “INTERPOL Overview,” Official Website, *International Criminal Police Organization*, 2012, <http://interpol.int/About-INTERPOL/Overview>.

³⁷ “INTERPOL Overview” Official Website, *International Criminal Police Organization*, 2012, <http://interpol.int/About-INTERPOL/Overview>. (accessed 03/01/2012)

³⁸ Hurst, “INTERPOL - Providing Support and Assistance to Combat International Terrorism,” 3.

³⁹ Gerspacher, “International Police Cooperation Institutions as a Response to Transnational Crime: A Study of Institutional Effectiveness,” 45.

⁴⁰ ICPO-INTERPOL General Secretariat, “INTERPOL Constitution”, 1956, <http://interpol.int/About-INTERPOL/Legal-materials/The-Constitution> Art. 3; Michael Barnett and Liv Coleman, “Designing Police: Interpol and the Study of Change in International Organizations,” *International Studies Quarterly* 49, no. 4 (2005): 604, <http://www.jstor.org/stable/3693502>.

the pre-WWII period, this apolitical nature had been a central issue in INTERPOL to keep its autonomy intact.⁴¹ However, beginning in the 1960s and the rise of terrorist incidents, INTERPOL had to review its stance towards the terrorism problem.⁴² Finally in 1984, INTERPOL recoded the meaning of “political” in the General Assembly held in Luxembourg.⁴³ Today, INTERPOL considers terrorism as one of the most important priorities of the organization.⁴⁴ The principle of universality is coded to tackle any sort of geographic and linguistic obstacles to interstate cooperative activities.⁴⁵

B. STRUCTURE, BUDGET, AND DECISION MAKING

The predecessor of INTERPOL, the first International Criminal Police Congress, convened in Monaco in 1914. Senior police officers, lawyers, and magistrates from 14 nations attended this conference and discussed issues on the procedures of arrest, identification, centralized criminal record keeping, and procedures of extradition.⁴⁶ The main concern lying beneath the convening of a police conference was different from previous police cooperation initiatives that took place in the second half of the nineteenth century. In that case, the theft of imperial jewels in Vienna in 1913 and discovery of these jewels in another European country several weeks later sparked the idea of establishing a collaborative police institution that could counter transnational ordinary crimes. Dr. Johannes Schober, president of the Vienna Police, led the initiative with the support of Prince Albert of Monaco.⁴⁷

⁴¹ Barnett and Coleman, “Designing Police: Interpol and the Study of Change in International Organizations,” 607.

⁴² *Ibid.*, 610.

⁴³ *Ibid.*, 612.

⁴⁴ The special emphasis on terrorism-related issues can easily be noticed in almost all addresses of Secretary Generals in any occasion and in their opening remarks in the annual activity reports, in particular in the last ten years.

⁴⁵ Gerspacher, “International Police Cooperation Institutions as a Response to Transnational Crime: A Study of Institutional Effectiveness,” 44.

⁴⁶ “INTERPOL’s History” Official Website, *International Criminal Police Organization*, 2012, <http://interpol.int/About-INTERPOL/History>. (accessed 03/01/2012).

⁴⁷ Gerspacher, “International Police Cooperation Institutions as a Response to Transnational Crime: A Study of Institutional Effectiveness,” 42.

During the WWI period, very little had been done within the aforementioned framework. Fighting states did not see any benefit to sharing information with their enemies. However, the idea was not totally forgotten and in 1923, Dr. J. Schober revived the initiative and called states for a second conference. In the second meeting, 21 participating parties adopted an agreement and officially founded the International Criminal Police Commission (ICPC) as its headquarters was set in Vienna, Austria.⁴⁸ Many of the participants of this conference attended the meeting without any official standing but instead based on their professional discretion on the requirement of a transnational cooperative action.⁴⁹

From 1923 to 1938, the ICPC ratified several resolutions. Through these resolutions member states accepted the establishment of a central point of contact—the forerunner of the National Central Bureaus (NCB)—to form specialized departments to deal with currency counterfeiting, criminal records, and passport forgery; create the post of Secretary General; and launch an international radio network. By the year of 1938, the organization fell under the control of the Nazis and since many countries stopped participating, the ICPC ceased to exist until 1946.⁵⁰

After the end of WWII, Belgium led the revival of the organization. The headquarters was reset in Paris, France, and “INTERPOL” was chosen as the telegraphic address of the organization. In 1949, the United Nations granted consultative status to INTERPOL as a nongovernmental organization. This was a great leap forward on the account of prestige and credibility of the organization. In 1956, the ICPC members adopted a new constitution and changed the abbreviation of the organization to ICPO-INTERPOL.⁵¹

INTERPOL is governed by member countries through democratic principles and within clearly defined legal frameworks and rules of operations. The basic components of

⁴⁸Ibid.; “INTERPOL’s History.”

⁴⁹ Barnett and Coleman, “Designing Police: Interpol and the Study of Change in International Organizations,” 603.

⁵⁰“INTERPOL’s History.”

⁵¹ Ibid.

the INTERPOL system are the General Assembly, Executive Committee, General Secretariat, National Central Bureaus (NCBs), and the Commission for the Control of INTERPOL's Files (CFF). The General Assembly as the supreme governing body is comprised of delegates from member countries and it convenes annually in different countries. Each delegate has one vote and the resolutions are adopted based on the simple majority. The General Assembly also elects the Executive Committee.⁵²

National Central Bureaus and the General Secretariat implement the strategic-level decisions that were taken by the General Assembly and the Executive Committee. The Executive Committee is composed of the president, three vice presidents, and nine members. The Executive Committee members cannot immediately stand for the election for the same posts in the succeeding period.⁵³

The real implementation organs of INTERPOL are the NCBs and the General Secretariat. Located in Lyon, France, the General Secretariat operates around the clock, 365 days a year. It oversees and coordinates the information going through its channels in four official INTERPOL languages. INTERPOL also has acknowledged the value of regionalism and established seven regional bureaus.⁵⁴ INTERPOL has also liaison offices at the United Nations in New York and at the European Union in Brussels.⁵⁵

One of the most important issues in INTERPOL is the confidentiality and protection of personal data stored in INTERPOL databases. To ensure the processing and protection of the data, the CFF monitors, advises, and processes the access requests to

⁵² "INTERPOL General Assembly" Official Website, *International Criminal Police Organization*, 2012, <http://interpol.int/About-INTERPOL/General-Assembly> (accessed 03/01/2012); "INTERPOL Structure and Governance" Official Website, *International Criminal Police Organization*, 2012, <http://interpol.int/About-INTERPOL/Structure-and-governance>.

⁵³ "INTERPOL Executive Committee" Official Website, *International Criminal Police Organization*, 2012, <http://interpol.int/About-INTERPOL/Structure-and-governance/Executive-Committee> (accessed 03/01/2012).

⁵⁴ These bureaus are located in Argentina (Buenos Aires), Cameroon (Yaoundé), Côte d'Ivoire (Abidjan), El Salvador (San Salvador), Kenya (Nairobi), Thailand (Bangkok), and Zimbabwe (Harare).

⁵⁵ "INTERPOL General Secretariat" Official Website, *International Criminal Police Organization*, 2012, <http://interpol.int/About-INTERPOL/Structure-and-governance/General-Secretariat> (accessed 03/01/2012).

INTERPOL's files in line with INTERPOL's rules and regulations. The General Assembly integrated the CFF to INTERPOL's internal structure to guarantee its independence.⁵⁶

The financial resources of the organization are direct contributions from its members and gifts, subsidies, grants, and other resources that are approved by the Executive Committee.⁵⁷ Initially, member countries had paid their membership dues in a population-based system. However, this system had caused great powers to hold more power and influence in the organization. In the late 1950s, INTERPOL adopted a different system where major powers started to contribute relatively equal amounts.⁵⁸

C. INFORMATION EXCHANGE

INTERPOL has designated information exchange as its core function. In order to achieve this function and link police agencies even continents apart, INTERPOL has heavily invested in sophisticated communication channels throughout its history. The most recent communication system, namely I-24/7 created in 2003, works around the clock and provides secure communication channels to 190 NCBs for both incoming and outgoing messages. This system also serves as an access point to reach a range of online/offline criminal databases that are instantly updated when new data is entered into the system.⁵⁹

INTERPOL also strives to maintain interpersonal relations and fraternal communications via different international events. The most common form of this communication is realized by the regional and global symposiums, conferences, and operation meetings held in different countries. INTERPOL does not have a full-time

⁵⁶ "INTERPOL Commission for the Control of INTERPOL's Files" Official Website, *International Criminal Police Organization*, 2012, <http://interpol.int/About-INTERPOL/Structure-and-governance/CCF/Comission-for-the-Control-of-INTERPOL's-Files> (accessed 03/01/2012).

⁵⁷ ICPO-INTERPOL General Secretariat, "INTERPOL Constitution" Art. 38.

⁵⁸ Barnett and Coleman, "Designing Police: Interpol and the Study of Change in International Organizations," 609.

⁵⁹ "INTERPOL's Priority Crime Areas" Official Website, *International Criminal Police Organization*, 2012, <http://interpol.int/About-INTERPOL/Priorities> (accessed 03/01/2012).

liaison system.⁶⁰ Although the personnel seconded or contracted in the headquarters facilitate communication with members countries, these personnel do not have liaison duties.⁶¹

INTERPOL's communication system has two major actors, one critical element, and one facilitating instrument. The major actors are NCBs located in each member state and a Command and Control Center (CCC) positioned in INTERPOL headquarters (HQ). NCBs are of value because they are the end users and the "spring" of exchanged information at the same time. The CCC is important because it orchestrates all the transactions and oversees the proper functioning of the system in four languages.⁶²

The critical elements of the system are the aforementioned databases. As of 2012, there are 11 databases (DB) open to queries from any of the member countries. Five of those databases are comparatively more important for counter terrorism operations: the (1) Fusion Task Force DB, which was specifically designed for worldwide counter terrorism (CT) operations; (2) INTERPOL Notices, (3) Stolen and Lost Travel Documents DB; (4) Fingerprints DB, and (5) Firearms DB.⁶³

The INTERPOL system also conveys a useful data enhancement and analysis tool along with the I-24/7 system. I-link is an operational system that helps NCB and HQ officers relate seemingly independent criminal data and unveil the connections between covert networks. Moreover, it eases the transmission of information directly from national databases to the INTERPOL system and vice versa.⁶⁴

⁶⁰ Gerspacher, "International Police Cooperation Institutions as a Response to Transnational Crime: A Study of Institutional Effectiveness," 50.

⁶¹ "INTERPOL General Secretariat."

⁶² English, Arabic, French, and Spanish are the four official languages of INTERPOL.

⁶³ "INTERPOL Databases" Official Website, *International Criminal Police Organization*, 2012, <http://interpol.int/INTERPOL-expertise/Databases> (accessed 03/01/2012). The other databases are Child Sexual Exploitation Images, DNA profiles, Stolen Works of Art, Stolen Motor Vehicles, and Stolen Administrative Documents.

⁶⁴ "INTERPOL Data Exchange I-link" Official Website, *International Criminal Police Organization*, 2012, <http://interpol.int/INTERPOL-expertise/Data-exchange/I-link> (accessed 03/01/2012).

In INTERPOL, counter terrorism activities are coordinated by the Public Safety and Terrorism Directorate (PST). The Directorate specifically focuses on identifying extremists and fundamentalist terrorists and individuals suspected of being associated with terrorist groups; developing actionable intelligence that can lead to the arrest and the extradition of the suspects; generating a list of terrorists who are wanted at the international level; and discovering *modus operandi* and recruitment methods of terrorist organizations.⁶⁵

The whole system is sufficiently but strictly compartmentalized. Since the information is considered one of the most valuable assets of the organization, all necessary measures are taken to guarantee its integrity. On the account of CT tools, INTERPOL offers a "Terrorism Secure Website" that is only accessible to exclusively authorized users in NCBs. Through this channel, law enforcement officers can reach out to information on INTERPOL terrorism working group meetings, notices, elaborate analyses of terrorism-related issues and lists of suspected or wanted terrorists.⁶⁶

INTERPOL handles CT issues proactively and in a broader context. The prevention of bioterrorism, prevention of nuclear terrorism, and the financing of terrorism are the major issues dealt with by INTERPOL on a global scale. Besides these issues, the Fusion Task Force (FTF) and the regional projects conducted under the framework of the FTF are proven to yield tangible, satisfactory results in a short span of time.⁶⁷

Founded in 2002, the Fusion Task Force is primarily an analysis and communication framework in which participating countries can share pertinent information about terrorist groups and terrorist incidents in their territories and in return, receive processed information about the possible links of the terrorist groups operating in that area. The information is provided mostly in a declassified form, such as lists of suspected terrorists, criminal records, and notices. The system works as a pointer and

⁶⁵ *INTERPOL at Work 2001* (Lyon, France: INTERPOL General Secretariat, 2002), 66, <http://interpol.int/content/download/774/6147/version/5/file/agn71r01.pdf>.

⁶⁶ Hurst, "INTERPOL - Providing Support and Assistance to Combat International Terrorism," 4.

⁶⁷ *INTERPOL Annual Report 2008* (Lyon, France: INTERPOL General Secretariat, 2009), 26, <http://interpol.int/content/download/767/6043/version/5/file/iaw2008.pdf>.

early warning system about the suspicious logistics networks and individuals that support terrorist activities.⁶⁸ The FTF has a database in which the names of individuals that member countries discovered as being trained in terrorist camps throughout the world are kept.⁶⁹

From its beginning, eight projects have been conducted under the FTF framework.⁷⁰ As of 2012, six projects are still in effect.⁷¹ These projects are the regional responses of INTERPOL to the terrorism problem. It is also argued in the literature that this regionally focused information exchange efforts are the intuitive institutional responses of INTERPOL to the environment, in which many regional police organizations started to emerge, and attempts to stay relevant both to the international community and member states.⁷²

Project Kalkan, developed to fight terrorism in Central Asia, is praised as one of the most successful FTF projects. Project Kalkan exemplifies how international police cooperation can be beneficial when countries share high-quality information. After the first and second working meetings, the number of countries participating in the project increased from five to more than 75 by 2008.⁷³ In 2007, the number of messages

⁶⁸ *INTERPOL General Secretariat 2002 Activity Report* (Lyon, France: INTERPOL General Secretariat, 2003), 9–10, <http://interpol.int/content/download/773/6131/version/5/file/agn72r01.pdf>.

⁶⁹ *INTERPOL Annual Activity Report 2004* (Lyon, France: INTERPOL General Secretariat, 2005), 12, <http://interpol.int/content/download/771/6099/version/5/file/iaw2004.pdf>; *INTERPOL General Secretariat 2003 Activity Report* (Lyon, France: INTERPOL General Secretariat, 2004), 19, <http://interpol.int/content/download/772/6115/version/5/file/agn73r01.pdf>.

⁷⁰ *Annual Reports of International Criminal Police Organization (INTERPOL)* (Lyon, France: The INTERPOL, 2010 1999), <http://www.interpol.int/Public/Icpo/Publications/default.asp>; “INTERPOL Fusion Task Force” Official Website, *International Criminal Police Organization*, 2012, <http://interpol.int/Crime-areas/Terrorism/Fusion-Task-Force> (03/01/2012). Project Pacific, 2002, Southeast Asia; Project Baobab, 2003, Africa; Project Tent, 2003, Terrorist Camps; Project Passage, 2003, Organized Crime-Terrorism Linkages in Mediterranean; Project Kalkan, 2004, Central Asia; Project Amazon, 2005, Latin America; Project Middle East, 2005, Middle East; Project Nexus, 2009, Europe

⁷¹ INTERPOL Fusion Task Force Project Al Qabdah (Middle East and North Africa); Project Amazon (Central and South America); Project Baobab (East, West and Southern Africa); Project Kalkan (Central and South Asia); Project Nexus (Europe); Project Pacific (Southeast Asia and Pacific Islands).

⁷² Barnett and Coleman, “Designing Police: Interpol and the Study of Change in International Organizations,” 611.

⁷³ *INTERPOL Annual Report 2008*, 26.

regarding this project totaled 2,237 with a 433% rise compared to the 2002-2003 period.⁷⁴ In the scope of Project Kalkan, the names of 1,087 terrorists were added into the database. By 2007, the number of terrorists arrested in connection with this project increased 183%. Fourteen terrorist groups operating in Central Asia have been profiled in this project.⁷⁵

In one year from 2006 to 2007, INTERPOL received more than 660 messages reporting the identity details of more than 130 terrorists and their modus operandi. In 2007, Project Kalkan started to focus on the profiles of 169 terrorists belonging to al Qaeda and its affiliates in Pakistan. By 2008, more than 80 terrorists were arrested based on the information provided through Project Kalkan.⁷⁶

D. POLICY COORDINATION AND CONTRACTING

Even though INTERPOL's main concern is to provide a platform for the member countries through which they can communicate securely and rapidly, it does not neglect the importance of concerted action and the traditional obstacles of international cooperation. The political systems, diverging codes of conducts, attitudes towards criminality and punishment, corruption, distrust, different languages, legal systems, cultural differences, and geographic distances are the obstacles to international police cooperation.⁷⁷ In order to have effective operating information exchange mechanisms and fruitful cooperative police action, IPCOs and member countries have to develop and implement congruent policies that can overcome those aforementioned obstacles.

In INTERPOL's case, there are two different types of policy coordination mechanisms. The first one is the unintentional policy coordination mechanisms that have occurred between member countries because of interaction and cooperation. The second type of policy coordination mechanism is the realignment of the organization and

⁷⁴ Hurst, "INTERPOL - Providing Support and Assistance to Combat International Terrorism," 5.

⁷⁵ Ibid.

⁷⁶ *INTERPOL Annual Report 2008*, 26.

⁷⁷ Ors, "What Are The Lessons That Can Be Learned From Turkey's Transnational Operational Police Cooperation Experiences?," 33; Gerspacher, "International Police Cooperation Institutions as a Response to Transnational Crime: A Study of Institutional Effectiveness," 44.

member states by adhering to the INTERPOL Constitution and international agreements to adapt themselves to the changing international environment and criminal threats that gain importance in the international arena. The former has a direct impact on the policies of the countries whereas the latter has an indirect influence on the members. Unintentional coordination has a direct impact on policies, while the realignment of member states has an indirect influence on members? Seems it should be the opposite.

INTERPOL utilizes four instruments to achieve policy coordination. The first instrument is its Constitution, which went through a comprehensive reformation in 1956 and then remained almost unchanged with the exception of some technical additions and amendments.⁷⁸ INTERPOL is structured on a constitutional model; however, the admission process is not subject to an official ratification process like other international agreements. The lack of a ratification process is criticized as hampering the collaborative action and complicating the membership status.⁷⁹

The weak contracting power of the INTERPOL Constitution, which cannot force member countries to take action, brings both advantages and disadvantages to INTERPOL. That kind of setting enables INTERPOL to be flexible and adaptable to the changing environment.⁸⁰ On the other hand, it causes a free rider problem in the system and selective application of INTERPOL rules by the member countries. In INTERPOL, information exchange is conducted on a voluntarily basis.⁸¹ INTERPOL seeks to exert its influence on the political level through its consultative role in the UN Security Council. In addition, the special emphasis on the “neutrality” of the organization and refraining from involving any kind of political, racial, or subversive incident are two major

⁷⁸ Barnett and Coleman, “Designing Police: Interpol and the Study of Change in International Organizations,” 609.

⁷⁹ Gerspacher, “International Police Cooperation Institutions as a Response to Transnational Crime: A Study of Institutional Effectiveness,” 45. The confusion occurs when concluding whether “member states are police units, the entire law enforcement community at the national level or another population.” For this reason, the member states are deliberately cited as “member countries” in this study.

⁸⁰ *Ibid.*, 46.

⁸¹ “INTERPOL Data Protection” Official Website, *International Criminal Police Organization*, 2012, <http://interpol.int/About-INTERPOL/Legal-materials/Data-protection> (accessed 03/01/2012).

obstacles in front of INTERPOL in implementing CT policies. The involvement of INTERPOL in CT operations is still done by a “reinterpretation” of Constitution Article 3.⁸²

The second instrument devised by INTERPOL is a legal tool, which was developed to provide guidance to any country that is willing to engage in bilateral police cooperation activities with another country. The Model Agreement is a sort of *a la carte* menu of international police cooperation techniques that have proven to be feasible, necessary, and successful. It covers a broad set of issues including controlled delivery and data exchange procedures, extradition rules, and data protection formalities. The “right of pursuit” and the “right of observation” are two important instruments regulated in this model agreement that authorizes national police forces to transcend borders to continue surveillance and “observe” the interrogations undertaken in a foreign country.⁸³

The third instrument is not a designated mechanism but instead a practical implementation structure. INTERPOL strives to promote interpersonal relations and face-to-face communication between police officials of the member countries through high-level conferences, operational workshops, and symposiums. The raised awareness in these operational and tactical/strategic level circles are carried back to the member countries and shared by the political authorities. Depending on the strengths of the police agencies’ professional identities, in Mintzberg’s terminology, they may create “organizational pulls” on the political decision-making structures.⁸⁴

The last tool is also a consequence of engaging in cooperation through INTERPOL channels. Information exchange methods have simultaneously become more sophisticated as the volume and diversity of the information flowing through the INTERPOL services have increased. In order to manage this information flow and ensure the integrity and confidentiality of information, INTERPOL has standardized and

⁸² “INTERPOL Neutrality” Official Website, *International Criminal Police Organization*, 2012, <http://interpol.int/About-INTERPOL/Legal-materials/Neutrality-Article-3-of-the-Constitution> (03/01/2012).

⁸³ Gerspacher, “International Police Cooperation Institutions as a Response to Transnational Crime: A Study of Institutional Effectiveness,” 47.

⁸⁴ *Ibid.*

formalized its information exchange procedures. On the other hand, member countries have been compelled to build compatible systems in their own countries to be able to comply with the rules of INTERPOL and gather the required data. This alignment affected the data collection, storing, and protection policies in the member states. Moreover, in order to ensure smooth and instantaneous information flow, member states have created alike units within their organizations that specialize on the priority areas designated by INTERPOL.

E. AD HOC ASSISTANCE AND CAPACITY BUILDING

Capacity building activities have been one of the most prevalent components of international organizations. These activities include training, workshops, symposiums and direct technical assistance, and constitute one aspect of capacity building activities in INTERPOL. The second and relatively new form of capacity building activities includes specialized teams assigned to member countries upon their requests on an ad hoc basis. Namely, Instant Response Teams (IRTs) and INTERPOL Major Events Support Teams (IMESTs) offer the required equipment and knowledge to the states in the investigations of major terrorist/ordinary criminal incidents or in the security planning phases of major international events. They do so by facilitating information exchange with INTERPOL HQs and other member states.

In INTERPOL's case, the existence of technological infrastructure and a suitable organizational structure as well as equipping officials who are deployed in NCBs and in other related units with required skills are of great importance.⁸⁵ On some occasions, INTERPOL assists member countries directly by establishing their NCBs and providing communication equipment, as in Bosnia-Herzegovina in 2000.⁸⁶ Similar capacity building activities also took place in the Commonwealth of Independent States (CIS), Russia, Ukraine, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Tajikistan.⁸⁷

⁸⁵ Ibid., 62.

⁸⁶ *INTERPOL at Work 2000* (Lyon, France: INTERPOL General Secretariat, 2001), 6, <http://interpol.int/content/download/775/6159/version/4/file/agn70r01.pdf>.

⁸⁷ *INTERPOL Annual Report 2007* (Lyon, France: INTERPOL General Secretariat, 2008), 30, <http://interpol.int/content/download/768/6059/version/6/file/iaw2007.pdf>.

Training activities are the most demanded and easily implemented capacity-building efforts. Training programs particularly on the prevention of bioterrorism and nuclear terrorism as well as on the methods to stop the financing of terrorism are undertaken in many countries. Although the bioterrorism and nuclear terrorism issues generally are not considered in the traditional policing agenda, the trainings have helped in raising the awareness on these issues by introducing the threats posed by these challenges to the international policing community.⁸⁸

The IRTs and IMESTs provide the necessary know-how and professional assistance to the member countries in case of an investigation, major event, or a crisis. These teams can be considered as small mobile NCBs and carry online/offline INTERPOL services anywhere they are needed. So far, 130 teams have been deployed to different locations across the world. The occasions that these teams are assigned vary on a span of bombing attacks to the Olympic Games.⁸⁹

F. CONCLUSION

INTERPOL is structured mainly in a transgovernmental manner and peer-to-peer relations at an agency scale have been the crux of cooperation and communication in the organization. The analysis of INTERPOL's effectiveness on countering transnational terrorism based on the two IVs of this project shows that INTERPOL's transgovernmental structure maintains a fertile environment in which cooperative action thrives; however, its global nature inhibits the organization's efficiency and effectiveness due to the formalized information exchange and data protection procedures. On the other hand, having sophisticated electronic communication means and an in-depth analysis capacity as well as success in offering capacity-building activities and contracting power, INTERPOL can be considered as partially successful in attaining its objectives on countering terrorism.

⁸⁸ *INTERPOL Annual Report 2009* (Lyon, France: INTERPOL General Secretariat, 2010), 38, <http://interpol.int/content/download/766/6027/version/7/file/iaw2009.pdf>.

⁸⁹ "INTERPOL Response Teams" Official Website, *International Criminal Police Organization*, 2012, <http://interpol.int/INTERPOL-expertise/Response-teams/Deployments> (03/01/2012).

Throughout its history, the “club-like” nature of the organization and its deliberate refusal to interfere in politically sensitive criminal issues have helped the organization to institutionalize and obtain the necessary credibility in the international arena. This credibility is embodied as the material resources pooled by the member countries and diplomatic prestige granted by the major international organizations. INTERPOL has managed to build highly sophisticated databases and communication channels that decrease the costs of information exchange and aggrandize the benefits of cooperative action. In addition, INTERPOL has devised both its professional autonomy and diplomatic prestige in marketing its services and policies to the actual and potential member states.

The data demonstrates that the most problematic periods occurred in INTERPOL history when INTERPOL was dragged into a tradeoff between its professional autonomy and member countries’ material contributions. On one hand, the dilemma was INTERPOL sought better relations with the governments to obtain more resources in order to establish and run a sophisticated global system on countering terrorism. On the other hand, the organization’s members have kept in mind that the resources would only be provided by states if the organization aligned itself with the providers’ political objectives. Such a strategic decision mitigated INTERPOL’s relevance, decreased material contribution from member countries, and led to the emergence of new regional police cooperation institutions that put counter terrorism activities in the core of their mandates.

INTERPOL’s capacity building function’s effectiveness can be considered as an interaction among its transgovernmental relations practices and the regionalism policies of the organization. The output of this interaction has had direct implications on the available funds for the capacity building activities and institutional independence on the allocation of these funds. Aside from focused training programs offered by INTERPOL on CT and direct technical assistance activities, the functioning of IRTs and IMESTs, can only be realized upon the consent of the requesting countries’ political authorities. These teams are indeed relatively untraditional means of police cooperation and they can be deemed as a challenge to the monopoly of sovereign state on the legitimate use of force.

Particularly, the creation and functioning of these teams have been interrelated not only with the availability of funds, but also the congruence and mutual agreement of member countries at a political level. Thus, these activities are also an outcome of the policy coordination function of INTERPOL.

In regard to the policy coordination mechanisms, in INTERPOL's case, the political regulations have followed INTERPOL's cooperation framework. In other words, the interaction among the police agencies of member countries and the successful integration of INTERPOL's information exchange mechanisms into the daily work of the police officers have implicitly impacted bureaucratic and political entities to build similar local law enforcement mechanisms. The rules on data protection and extradition as well as the model law of police cooperation have yielded more parallel and compatible implementing structures. The implementing structures formed by the law enforcement agencies and in a bottom-up fashion have had an indirect impact on the political authorities to amend the legislation and their political agendas in line with the other member countries.

The tacit policy coordination utilities have been mostly built within the professional cooperation context and in some cases proven to be insufficient for effective cooperation. According to Gerspacher, the weak binding power of the INTERPOL Constitution has impaired the contracting power of the agency.⁹⁰ In order to supplement the required policy coordination utility and its contracting power, INTERPOL has intentionally appealed to secure roles and statuses in other international and/or regional political entities. The author suggests that the reason for this relatively weak contracting power of the agency derives from its global membership structure. Trying to consolidate differing political approaches of its members on a global scale has hampered its policy coordination function.

INTERPOL's strategy of "global cooperation with regional perspective" evinces its adaptation efforts to the "pulls" of regionalism. The effectiveness of counter terrorism

⁹⁰ Gerspacher, "International Police Cooperation Institutions as a Response to Transnational Crime: A Study of Institutional Effectiveness," 45–46.

operations makes a sharp peak just after the designation of regional counter terrorism projects. The efficiency offered by regional settings and their ability to overcome cultural, linguistic, and geographic obstacles was discovered by INTERPOL officials. Trying to communicate in four languages and assigning project leaders who are familiar with the region are the means that have been used by INTERPOL to compensate the absence of a liaison structure. Face-to-face, informal communication channels are one of the key factors contributing to the overall effectiveness of FTF projects.

III. UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC)

A. PURPOSE AND STRATEGY

The United Nations Office on Drugs and Crime (UNODC) can be conceived as the final stage of the UN's endeavor in crime prevention. Its mandate covers fighting against transnational crimes including illicit drugs, human trafficking, cybercrimes, and international terrorism. The UNODC calls itself the universal leader of the fight against crime.⁹¹ Functioning under the UN Economic and Social Council and specifically governed by the UN Commission on Crime Prevention and Criminal Justice, the UNODC operates worldwide with its 25 regional offices and two liaison bureaus in New York and Brussels.⁹² The UNODC gathers more than 90% of its budget from the voluntary contributions of its member states. The institution is directed by an Executive General who is appointed by the UN Secretary General.

The UNODC's strategy is threefold: (1) research and policy analysis, (2) normative work (UN Conventions), and (3) technical assistance.⁹³ These activity areas are also formulated in the UNODC's work program. In line with its strategy, the elaborated work program of the UNODC is composed of three major components: (1) enhancing the capacity of member states by conducting field-based technical cooperation activities; (2) undertaking research and analytical studies to enhance the knowledge on crime-related issues and collect scientific evidence to be used in decision-making processes; and (3) studying legal and legislative aspects of international cooperation and

⁹¹ "About UNODC - UNODC Webpage."

⁹² "UNODC Around the World," Official Website, *United Nations Office on Drugs and Crime*, 2012, <http://www.unodc.org/unodc/en/field-offices.html?ref=menutop>. As of 2012, UNODC's field offices are located at Afghanistan, Baltic States, Bolivia (Plurinational State of), Brazil and the Southern Cone, Bulgaria, Central Asia, Colombia, East Asia and the Pacific, Eastern Africa, Iran (Islamic Republic of), Lao People's Democratic Republic, Mexico, Central America and the Caribbean, Middle East and North Africa, Myanmar, New York, Nigeria, Pakistan, Peru and Ecuador, Russian Federation, South Africa, South Asia, South-Eastern Europe, Thailand, Viet Nam, West and Central Africa.

⁹³ Kofi Annan, "About UNODC" (Official Presentation, Vienna, Austria, 2012), http://www.unodc.org/documents/about-unodc/About_UNODC_.pdf Slide 4.

carrying out targeted projects to foster the normative knowledge base of the member states and the UN.⁹⁴

The UNODC, and specifically the Terrorism Prevention Branch, has set its focus on five thematic areas to address the international terrorism phenomenon: (1) chemical, biological, radiological and nuclear terrorism, (2) victimization and delivering support to the victims of terrorism, (3) interruption of the financing of terrorism, (4) dealing with maritime issues, and (5) fighting against the use of the internet for terrorist purposes.⁹⁵

B. STRUCTURE, BUDGET, AND DECISION MAKING

Since its inception, crime prevention has been amongst the priority agenda issues of the United Nations (UN). Feeling the necessity for the UN to assume the leadership in crime prevention, UN member states delegated the Secretary General to assemble an expert group to conduct research on the appropriate ways of crime prevention and handling offenders at the international level.⁹⁶

The relationship between the UN and crime prevention issues has always been complicated. The UN's approach to crime prevention, in particular to terrorism, has been in a broader context, demanding more active participation of the civilian authorities and academia with respect to the other organizations studied in this thesis.⁹⁷ On the other hand, the practical implications of the UN crime prevention efforts specifically relate to institutions that are responsible for law enforcement activities in the member states.⁹⁸ In addition to that, most of the assistance requests by the member states to comply with the

⁹⁴ "About UNODC - UNODC Webpage."

⁹⁵ "UNODC/TPB Assisting States to Provide a Criminal Justice Response to Terrorism" (UNODC Terrorism Prevention Branch, 2012), 4, http://www.unodc.org/documents/terrorism/Mandates/TPB_leaflet_general_042010_E.pdf.

⁹⁶ "UN ECOSOC Resolution 155 C (VII)" (UN Economic and Social Council, August 13, 1948), 32, UN Documents, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/NR0/759/46/IMG/NR075946.pdf?OpenElement>.

⁹⁷ Gerspacher, "International Police Cooperation Institutions as a Response to Transnational Crime: A Study of Institutional Effectiveness," 75–76.

⁹⁸ *Report on the First Session*, ECOSOC Official Records (New York, USA: Commission on Crime Prevention and Criminal Justice, April 30, 1992), 8, <http://www.unodc.org/documents/commissions/CCPCJ/N94053102.pdf> Art. 3 para (g).

UN CT mandates, in particular by the nations that are plagued by terrorism and in the frontline of the fight against terrorism, have been in the form of technical assistance requests to enhance law enforcement capabilities. These enhancements focus on improving the border, immigration, and customs controls; tightening the security at ports and border crossings; and investigating suspicious financial transactions.⁹⁹

The idea of constituting a united office to counter international crime was first brought to discussion by the former UN Secretary General Kofi Annan on July 14, 1997, in the 51st Session of the UN General Assembly as an effort to reform UN activities.¹⁰⁰ In the new setting, the United Nations Drug Control Program and the Centre for International Crime Prevention were going to be merged to address the international crime problem in a more coherent and effective way. The locus of the new office was proposed to be set in Vienna, Austria. The new unit was initially named as the Office for Drug Control and Crime Prevention (ODCCP).¹⁰¹ In 1998, the UN General Assembly officially initiated the Office for Drug Control and Crime Prevention. UN Resolution A/RES/52/220 article 62 explicitly tasks the ODCCP with promoting the fundamental principles of the rule of law and strengthening the cooperation between the national, regional authorities and the UN to prevent, combat, and eliminate terrorism in all its forms and manifestations.¹⁰² In 2004, the ODCCP was reformed and officially rebuilt as the United Nations Office on Drugs and Crime.¹⁰³

⁹⁹ David Cortright, "A Critical Evaluation of the UN Counter-Terrorism Program: Accomplishments and Challenges" (presented at the Global Enforcement Regimes Transnational Organized Crime, International Terrorism and Money Laundering, Amsterdam, Netherlands: Transnational Institute, 2005), 14, <http://www.tni.org/sites/www.tni.org/archives/crime-docs/cortright.pdf>.

¹⁰⁰ *Renewing The United Nations: A Programme for Reform*, Report of the Secretary General (New York, USA: United Nations General Assembly, July 14, 1997), 49, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N97/189/79/IMG/N9718979.pdf?OpenElement>.

¹⁰¹ Ibid.

¹⁰² "UN General Assembly Resolution A/RES/52/220" (UN General Assembly, February 13, 1998), 13, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N98/767/29/PDF/N9876729.pdf?OpenElement>; Cortright, "A Critical Evaluation of the UN Counter-Terrorism Program: Accomplishments and Challenges," 11.

¹⁰³ "Organization of the United Nations Office on Drugs and Crime" (United Nations Secretariat, March 15, 2004), http://www.unodc.org/pdf/sgb_2004_6_unodc.pdf.

Drug-related matters have been the foremost important issues for the UNODC compared to the other types of crimes including terrorism. One of the reasons of this predominance of anti-narcotics efforts might be the legacy and the established institutional capacity of the UN Drug Control Program. The other reason may be the overwhelming control of the states on the strategic level decision-making procedures of the organization by tweaking their contributions between earmarked and general purpose financial contributions. As shown in Figure 2, member states have the ability to direct and restrict the UNODC's activities by changing the composition of their financial contributions.

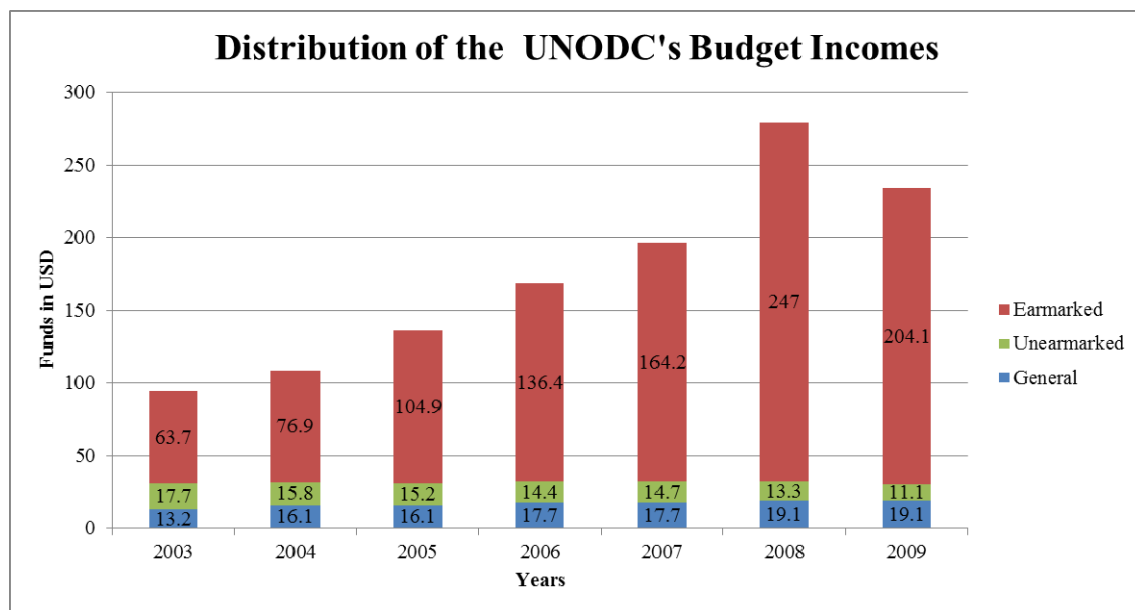


Figure 2. Distribution of the UNODC's Budget Incomes¹⁰⁴

The 9/11 attacks were a turning point for the UN's counter terrorism activities. The unprecedented collective response to terrorism at an international level was embodied in UN Resolution 1373 and other resolutions thereto.¹⁰⁵ Aside from the

¹⁰⁴ *UNODC Annual Report 2010*, Annual Activity Report (Vienna, Austria: United Nations Office on Drugs and Crime, 2010), 64, UN Documents, http://www.unodc.org/documents/frontpage/UNODC_Annual_Report_2010_LowRes.pdf. The data is modified in comparison with the former Annual Reports.

¹⁰⁵ "UN Security Council Resolution 1373" (UN Security Council, September 28, 2001), UN Documents, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N01/557/43/PDF/N0155743.pdf?OpenElement>.

political and legal implications of the cited resolution, it urged states to strengthen nonmilitary cooperation and foster the exchange of information in terrorism-related matters.¹⁰⁶ Notwithstanding that, prior to the 9/11 attacks, the UN counter terrorism activities had been generally driven by the General Assembly. The General Assembly created the Terrorism Prevention Branch (TPB) and authored the twelve counter terrorism conventions by focusing on the prevention of terrorism. After the 9/11 attacks, the Security Council assumed the leadership and the focus of the activities turned into countering terrorism.¹⁰⁷

The foundation of the Counter Terrorism Committee (CTC) was one of the most tangible outcomes of Resolution 1373. The CTC was charged with managing the information flow between the member states and the Security Council and providing professional guidance to both the member states and the Security Council on terrorism-related issues to strengthen their CT capacity.¹⁰⁸ Nevertheless, the workload undertaken by the CTC was beyond its institutional capacity. In 2002, the CTC appealed to the UNODC to provide technical guidance to states especially in drafting legislations on countering terrorism.¹⁰⁹ Moreover, the CTC was not an assistance provider by design, but a facilitator in enhancing the counter terrorism capability of the international system.¹¹⁰ The vacuum in the assistance provider role was filled with the incorporation of the TPB. This intra-agency cooperation was then formalized by the UN's Global Counter Terrorism Strategy and other relevant UN resolutions.¹¹¹

¹⁰⁶ Ibid., 2 Art. (f).

¹⁰⁷ Cortright, "A Critical Evaluation of the UN Counter-Terrorism Program: Accomplishments and Challenges," 4. Since 1999, two more additional legal instruments and four amendments to prevent terrorist acts have been ratified by the member states. For the complete list of these instruments please see <http://www.un.org/terrorism/instruments.shtml>

¹⁰⁸ "UN Security Council Resolution 1373," 3 Art. 6; Cortright, "A Critical Evaluation of the UN Counter-Terrorism Program: Accomplishments and Challenges," 3.

¹⁰⁹ Cortright, "A Critical Evaluation of the UN Counter-Terrorism Program: Accomplishments and Challenges," 11.

¹¹⁰ Ibid.

¹¹¹ "UN Global Counter-Terrorism Strategy and Plan of Action A/RES/60/288" (UN General Assembly, September 20, 2006), 8, http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/60/288 Art.7.

The TPB is the specialized unit in the UNODC structure that pools its expertise and resources to accomplish the UNODC's designated goals in the elimination and eradication of terrorism. As shown in the organogram in Figure 3, the TPB is placed under the Division for Treaty Affairs and comprised of two sub-units, namely the Regional and National Terrorism Prevention Unit and Specialized Terrorism Prevention Unit.¹¹² The roots of this center can be found in the UN Crime Prevention and Criminal Justice Program initiated in 1970. The TPB's traces can also be seen in the "Vienna Declaration on Crime and Justice: Meeting the Challenges of Twenty-First Century" and its affiliated plan of actions.¹¹³

The structure and the role of the TPB were strengthened in 2002 by the UN General Assembly. The TPB's focus is set to assist states, upon their request, in legal and other aspects related to countering terrorism. In particular, its focus is expediting the ratification of the UN CT legal instruments, providing capacity building assistance to law enforcement officials, identification and dissemination of the best practices, raising awareness on CT activities, facilitating international cooperation in criminal matters pertaining to terrorism, and drafting legislation in compliance with the UN conventions and resolutions.¹¹⁴ The human resources available for the use of the TPB were considerably limited in its initial phases. A directorial, a legal expert, an administrative support person, and two general posts were granted to be added to the existing two mid-level positions.¹¹⁵ The TPB has tried to expand its effectiveness through placing experts

¹¹² "Organizational Structure of the UNODC" (UNODC, 2010), http://www.unodc.org/images/about-unodc/UNODC_Organizational_Structure_April_2010.jpg.

¹¹³ *Strengthening the Terrorism Prevention Branch of the Secretariat*, Report of the Secretary General (New York, USA: United Nations General Assembly, July 2, 2002), 3, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N02/461/89/PDF/N0246189.pdf?OpenElement> Para (3); "Plans of Action for the Implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-First Century" (UN Commission on Crime Prevention and Criminal Justice, April 15, 2002), <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N01/497/54/PDF/N0149754.pdf?OpenElement>; "Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-First Century" (UN General Assembly, December 4, 2000), UN Documents, http://www.unodc.org/pdf/crime/a_res_55/res5559e.pdf.

¹¹⁴ *Strengthening the Terrorism Prevention Branch of the Secretariat*, 6–7 para 18-21; "UNODC/TPB Assisting States to Provide a Criminal Justice Response to Terrorism."

¹¹⁵ *Strengthening the Terrorism Prevention Branch of the Secretariat*, 6, 8 para 6, 23-25.

in the field in the field offices of the UNODC.¹¹⁶ The TPB's human resources can still be considered very scarce compared to other similar international agencies. Another important point in the organizational structure of the TPB and in general the UNODC is that these organizations heavily depend on the direct employment of their personnel following UN procedures instead of temporary secondments from member countries. They do not have a liaison role and represent their origin of nationalities.¹¹⁷

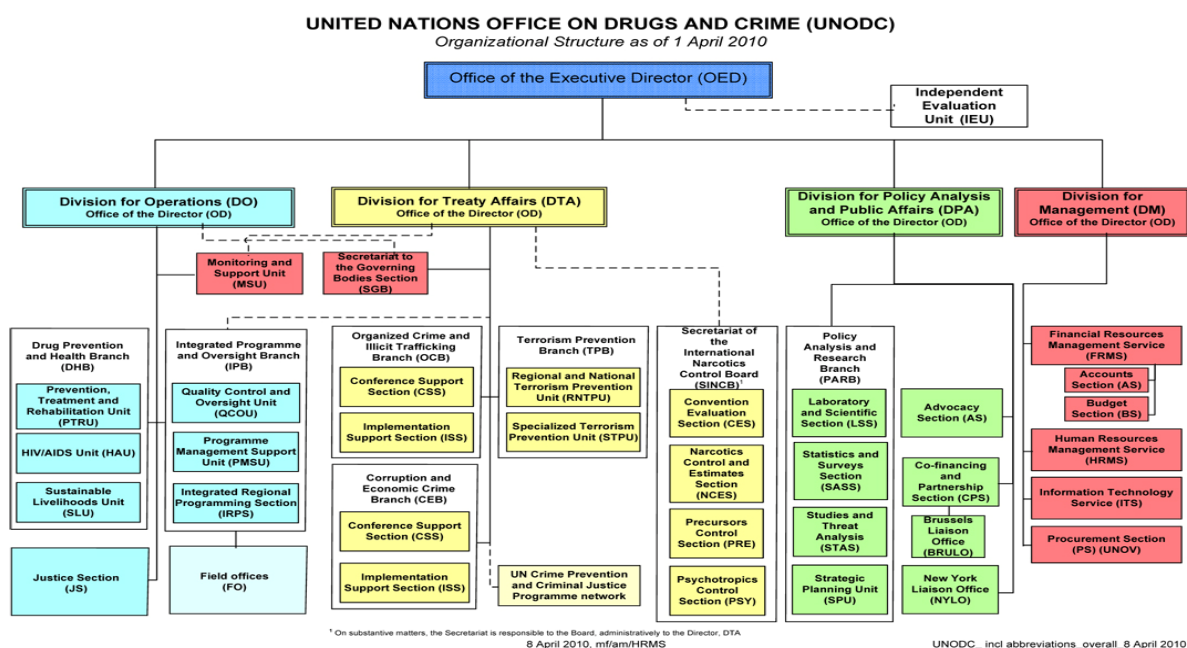


Figure 3. Organizational Structure of the UNODC¹¹⁸

C. INFORMATION EXCHANGE

Horizontal and vertical exchange of information is at the core of any effective collaborative action. The UNODC/TPB has strived to maintain and facilitate the information exchange through seven channels: (1) diplomatic correspondences through the Offices of the Permanent Representatives to the UN of member states or their

¹¹⁶ Jean-Paul Laborde and Brigitte Strobel-Shaw, "A Review of the Counter-Terrorism Activities of the United Nations Office on Drugs and Crime and Recommendations for the Way Forward," *Forum on Crime and Society* 4, no. 1&2 (December 2004): 99, http://www.unodc.org/documents/data-and-analysis/Forum/V05-81059_EBOOK.pdf.

¹¹⁷ "Organizational Structure of the UNODC."

¹¹⁸ Ibid.

Consular Offices located in Vienna, (2) UN field offices, (3) (rarely through) direct contacts, (4) international meetings, conferences, and similar events, (5) focused bulletins and reports (6) the Virtual Global Community of Criminal Justice Officers Dealing with Counter Terrorism network, and (7) (indirectly through) the I-ACT system.¹¹⁹

There is no central command and communication center in the UNODC/TPB to coordinate the flow of information. Moreover, the UNODC's mandate does not seek for the instant information exchange among the member states and the institution. The UNODC's perspective on information exchange is rather on the dissemination of best practices and normative information to enhance the capacity of the criminal justice institutions of the member states.

Created in March 2011, the Virtual Global Community of Criminal Justice Officers Dealing with Counter-Terrorism, hereinafter referred to as the Virtual Community, is one of the most innovative and recent information exchange instruments employed by the TPB. The fundamental objective of the Virtual Community is to facilitate communication between the geographically distant criminal justice officers to strengthen the national and universal legal instruments against terrorism-related issues. The Virtual Community tool enables the practitioners and other relevant authorities to create networks with their counterparts, to meet UNODC experts, share good practices and engage "continuous learning." The tool is also known as the UNODC Counter Terrorism Learning platform. Aside of its communication utility, the platform serves as an interactive online training instrument that is capable of providing tailor-made training programs to criminal justice officers across the world. As of August 2011, two six-week training programs were organized and the Virtual Community had helped to connect more than 369 criminal justice officers from 90 countries to discuss terrorism-related issues and share their knowledge.¹²⁰

¹¹⁹ Depending on the author's personal expertise that he gathered during his five-year term in the International Institutions Division of the Foreign Relations Department of the Turkish National Police, the UNODC occasionally prefers to communicate through official notices and diplomatic information channels. Direct contacts are rarely used only to clarify points on minor or extremely urgent issues.

¹²⁰ "The Terrorism Prevention Branch Briefing Volume 3" (UNODC Terrorism Prevention Branch, August 2011), 12, UN Documents, http://www.unodc.org/documents/terrorism/Publications/Newsletter/TPB_Briefing3.pdf.

The I-ACT Initiative is the second electronic communications means that is indirectly utilized by the UNODC. The I-ACT Initiative was designed by the Counter Terrorism Implementation Task Force (CTITF), the UN's central unit tasked for coordinating and implementing the UN Global Counter Terrorism Strategy, as a mechanism through which member states can directly deliver their assistance requests to the UN system via one focal point and receive timely customized assistance on terrorism related-issues.¹²¹

Another way of communication is through the publication and dissemination of focused bulletins and reports on the recent terrorist incidents and investigations. The most noticeable example of these bulletins is the "Digest of Terrorist Cases" e-book. Mainly developed as a capacity building tool to strengthen the legal regimes against terrorism and legislative capacity of member states to address the terrorism from a criminological perspective, it also serves as a useful instrument by providing in-depth analysis on the best practices exercised by different countries all over the world.¹²²

In a similar vein, the UNODC/TPB published "The Criminal Justice Response to Support of Acts of Terrorism" book on November 22, 2011. Prepared in collaboration with the CTITF, this book presents the outcomes of two specialized expert working groups and the best practices on handling the victims of terrorism collected from different case studies all over the world. The publication includes recommendations to states on how to convey judicial assistance, protection from intimidation of and retaliation to

¹²¹ "The Terrorism Prevention Branch Briefing Volume 1" (UNODC Terrorism Prevention Branch, January 2011), 5, UN Documents, http://www.unodc.org/documents/terrorism/Publications/Newsletter/TPB_Briefing1.pdf; "The Terrorism Prevention Branch Briefing Volume 2" (UNODC Terrorism Prevention Branch, May 2011), 4–5, UN Documents, http://www.unodc.org/documents/terrorism/Publications/Newsletter/TPB_Briefing2.pdf. See <http://www.unodc.org/unodc/en/terrorism/unodc-counter-terrorism-learning-platform.html>

¹²² *Digest of Terrorist Cases* (Vienna, Austria: United Nations Office on Drugs and Crime, 2010), http://www.unodc.org/documents/terrorism/09-86635_Ebook_English.pdf; "The Terrorism Prevention Branch Briefing Volume 1," 4.

individuals as well as the material, psychological, and social assistance to the victims of terrorist incidents, and access to compensation.¹²³

The last but not least instrument of communication and information exchange is the numerous workshops, meetings, symposiums, and conferences either organized or participated in by the UNODC/TPB. Since the UNODC's activities focus on capacity building and ad hoc assistance in terms of collaborative action, the UNODC/TPB organizes many international events throughout the year. At these events, criminal justice officers as well as officials at different levels from the governmental, non-governmental and scholarly communities can find opportunities to socialize and develop informal communication channels.

Despite the lack of comprehensive data on provided training on the UNODC website, the available figures show that the TPB trained 1,700 criminal justice officials in 11 regional workshops involving 82 countries in 2006.¹²⁴ In 2007, the TPB offered training programs to more than 1,500 national criminal justice officials on the legal regime against terrorism.¹²⁵ Similarly, in 2009 the UNODC/TPB supplied specialized

¹²³ "The Terrorism Prevention Branch Briefing Volume 4" (UNODC Terrorism Prevention Branch, December 2011), 2, UN Documents, http://www.unodc.org/documents/terrorism/Publications/Newsletter/TPB_Briefing4.pdf. See http://www.unodc.org/documents/terrorism/Victims_Rights_E-Book_EN.pdf

Other publications of the TPB are "Frequently Asked Questions on International law Aspects of Countering Terrorism," "Guide for Legislative Incorporation of the Provisions of the Universal Anti-Terrorism Instruments," "Handbook on Criminal Justice Responses to Terrorism," "International Instruments related to the Prevention and Suppression of International Terrorism," "Legislative Guide to the Universal Legal Regime Against Terrorism," "Manual on International Cooperation in Criminal Matters related to Terrorism," "Preventing terrorist acts: a criminal justice strategy integrating rule of law standards in implementation of United Nations anti-terrorism instruments," "Practical Guide to extradition and mutual legal assistance for member states of the Indian Ocean Commission (Comoros, Réunion, Madagascar, Mauritius, Seychelles)." For the links to these documents please visit <http://www.unodc.org/unodc/en/terrorism/technical-assistance-tools.html>

¹²⁴ *UNODC Annual Report 2007*, Annual Activity Report (Vienna, Austria: United Nations Office on Drugs and Crime, 2007), 81, UN Documents, http://www.unodc.org/documents/about-unodc/AR06_fullreport.pdf.

¹²⁵ *UNODC Annual Report 2008*, Annual Activity Report (Vienna, Austria: United Nations Office on Drugs and Crime, 2008), 48, UN Documents, http://www.unodc.org/documents/about-unodc/AR08_WEB.pdf.

training to around 1,500 criminal justice officials and reached more than 140 countries through national or regional counter terrorism activities.¹²⁶

D. AD HOC ASSISTANCE AND CAPACITY BUILDING

The UNODC/TPB's role has been deliberately set to enhance the capacity of member states on the investigation, prosecution and adjudication of terrorism cases covering the five thematic areas of the TPB's mandate.¹²⁷ The UNODC/TDP has strived to modernize its assistance delivery means, utilize more digital and online solutions and put a special emphasis on the issues of the prevention of the internet for terrorist purposes and the prevention of nuclear terrorism.¹²⁸

The UNODC/TPB pays special attention to and puts considerable effort into training activities. The institution organizes numerous workshops and training seminars across the world. The UNODC Counter Terrorism Learning Platform is a very useful tool to deliver the training materials to the end users. Except for the training interfaces, the UNODC also develops its own training curriculums. The UNODC Counter Terrorism Legal Training Curriculum is a comprehensive curriculum that covers thematic issues on criminal issues such as the CBRN, transportation security, financing of terrorism, and the use of the internet for terrorist purposes. Additionally, some other supplementary training modules are offered in the curriculum such as money laundering and organized crime drawn from other specialized units of the UNODC.¹²⁹

Another useful database on the account of capacity building activities is the UNODC's Terrorism Legislation Database tool. This tool was developed to assist member states to reach out to up-to-date data and legislative regulations that have been developed by the other member states. The Terrorism Legislation Database has two legs. First, the database is a searchable platform that provides access to the universal

¹²⁶ *UNODC Annual Report 2010*, 28.

¹²⁷ "UNODC/TPB Assisting States to Provide a Criminal Justice Response to Terrorism," 4.

¹²⁸ "The Terrorism Prevention Branch Briefing Volume 2," 5; *UNODC Annual Report 2008*, 50.

¹²⁹ "The Terrorism Prevention Branch Briefing Volume 1," 4; *UNODC Services and Tools* (Vienna, Austria: United Nations Office on Drugs and Crime, n.d.), 26, http://www.unodc.org/documents/frontpage/MoS_book11_LORES.pdf.

legislative instruments against terrorism drawn from more than 145 countries along with their status of ratification. Second, member states can also have access to the model laws, legislation guides, and other legal tools that they can adapt to their own legal systems.¹³⁰

Aside from the direct counter terrorism capacity building initiatives, the UNODC/TPB has conducted other training activities on the criminal matters that are proven to be affiliated with terrorism. One of these issues that the TPB has been active in is the supervision and investigation of financial transactions. According to UNODC reports, some countries expressed their willingness to effectively inspect the financial transactions done through conventional and online banking systems but they lack the equipment, software, and knowledge to exercise these kinds of investigations. From this premise, the UNODC developed the “Government Office” or “go” software packages and disseminated to the requested states for better supervision of the financial transactions and to reveal the possible incidents of money laundering activities and financing of terrorism. The GOAML is the specific module and intelligence analysis system in that software package that is intended to be used by national Financial Intelligence Units to surface the links between money laundering and the financing of terrorism.¹³¹

The UNODC provided direct legal assistance to 54 countries in 2006,¹³² delivered the same kind of assistance to 52 states in 2007,¹³³ and 65 countries during 2009.¹³⁴ These assistance services were provided by country visits or national, regional, or international level workshops. Through these programs and their affiliated activities, the UNODC/TPB has managed to reach more than 100 countries on average per year.

Regional programs and initiatives have been an important component of the UNODC’s activities in attaining its institutional objectives. In 2008, the UNODC began

¹³⁰ *UNODC Services and Tools*, 26; *UNODC Annual Report 2009*, Annual Activity Report (Vienna, Austria: United Nations Office on Drugs and Crime, 2009), 26, UN Documents, http://www.unodc.org/documents/about-unodc/AR09_LORES.pdf.

¹³¹ *UNODC Annual Report 2009*, 25.

¹³² *UNODC Annual Report 2007*, 81.

¹³³ *UNODC Annual Report 2008*, 48.

¹³⁴ *UNODC Annual Report 2010*, 28.

to develop five regional programs that are geographically customized in the regions of East Asia and the Pacific, Eastern Africa, Caribbean, Central America, and the Balkans.¹³⁵ Some of these programs do not directly address the terrorism problem but the other types of crime such as drug trafficking that are severe and intensify the terrorism problem. The “Breaking the Link in Afghanistan and the Region” is one of these projects that was designed to address the drug trafficking problem in Afghanistan and neighboring region. Carried out in the framework of the “Rainbow Strategy,” the UNODC intended to build a regional response to threats posed by Afghan opiates.¹³⁶ The Rainbow Strategy is one of the most successful regional programs of the UNODC. Developed by the UNODC and exclusively funded by the Government of Canada, the strategy has resulted in several fruitful joint operational activities in the region that have reportedly indirect impacts on the financing of terrorism.¹³⁷

The project “Strengthening Capacity of the Legal and Law Enforcement Institutions in Preventing and Combating Money-Laundering and Terrorism Financing” is another regional program that exclusively focuses on preventing the financing of terrorism and combating money laundering in Vietnam and the West Africa region. The program was put into action by the UNODC and 300 investigators and law enforcement officers were trained in the region. As for the tangible outcome of this technical assistance activity, Vietnam now can meet most international standards pertaining to fighting against money laundering and combating the financing of terrorism.¹³⁸

In order to strengthen the legislative capacity against terrorism in Africa, the UNODC conducted specialized training programs in the region and trained more than 110 national criminal justice officials from 10 Western African countries. The ultimate objective of the training was to enable the member states in the region to elaborate their national legal systems to better address the terrorism problem in accordance with the

¹³⁵ *UNODC Annual Report 2009*, 43.

¹³⁶ *Ibid.*, 27.

¹³⁷ *Ibid.*, 43.

¹³⁸ *Ibid.*, 27.

universal standards and regulations as well as increase the compliance and cooperation between states through extradition and mutual legal assistance practices.¹³⁹

Other regional programs that are conducted in West Africa, in the Caribbean and Central America, and in the Middle East and North Africa mostly concentrate on the measures against criminal activities other than terrorism. The most prevalent commonalities among these programs are the predominance of the drug-related criminal activities and the prevention of money laundering. Although the same methodologies could have been applied to terrorism, there is not sufficient data about the existence of such programs in the searched resources.¹⁴⁰

E. POLICY COORDINATION AND CONTRACTING

The UNODC maintains its policy coordination power on the states from the binding nature of the UN membership. As discussed earlier, member states are supposed to inform the Secretariat about the contact information of their criminal justice institutions as the focal points of the UNODC's activities. Moreover, national governmental agencies are compelled to follow the directions and guidance of their respective political authorities discretion expressed in the relevant political and diplomatic interactions. Therefore, in a broad concept, the UNODC's contracting power can be considered as excessive and comprehensive including different aspects of governmental action.

From 2002 to April 2011, 561 ratifications on the 12 fundamental international legal instruments against terrorism were undertaken by the member states that the TPB got in touch with. In the period of January 2003, the initiation date of the UN's Global Project on Terrorism, to April 2011, 85 countries ratified all 12 international instruments, lifting up the number of total countries to 111. In a different formulation, only 20 countries remained that signed fewer than six international instruments at the end of

¹³⁹ Ibid.

¹⁴⁰ Ibid., 27, 43–45.

2011, a drop of 78 countries as opposed to January 2003.¹⁴¹ As of April 2011, a total of 168 countries have been assisted by the TPB and 79 of those have developed new counter terrorism legislations or revised their existing legal systems. In one way or another, 11,500 criminal justice officers have benefited from the services and/or trainings offered by the UNODC/TPB.¹⁴²

The UNODC/TPB operates in close cooperation with many different international and regional organizations. Aside from being a strategic and operational partner to the UN CTITF, Counter Terrorism Executive Directorate (CTED) and CTC, the TPB also organizes and coordinates activities at the operational level with 11 international organizations, 23 regional organizations, and 36 training institutions across the world.¹⁴³

F. CONCLUSION

Based on the available data, it is fair to argue that the UNODC and exclusively the TPB pool their energy and resources to tackle the legislative inconsistencies (policy coordination) between the UN member states and lack of capacity in complying with the UN mandate; the deficiencies in both are also recognized as the barriers to international cooperation in law enforcement.¹⁴⁴

The UNODC's contribution in fighting against terrorism for national police agencies can be analyzed at strategic and operational levels. At the strategic level, facilitating the ratification of the UN Conventions ease the efforts of administrative officers who are mostly working at headquarters and dealing with the planning, reporting, and communication activities. The operational personnel also have benefited the tailor-made training activities since these programs have enabled them to reach out to obtain the

¹⁴¹ "Results and Impact Assessments of the UNODC/TPB Activities," Official Website, *United Nations Office on Drugs and Crime*, 2012, http://www.unodc.org/unodc/en/terrorism/UNODC_Role/Results.html.

¹⁴² Ibid.

¹⁴³ "UNODC Terrorism Prevention Branch Partnerships," *United Nations Office on Drugs and Crime*, 2012, <http://www.unodc.org/unodc/en/terrorism/partnerships.html>. For the full list of organizations please visit <http://www.unodc.org/unodc/en/terrorism/partnerships/operational.html>

¹⁴⁴ Ors, "What Are The Lessons That Can Be Learned From Turkey's Transnational Operational Police Cooperation Experiences?," 101–114.

best practices around the world and introduce new ways to address local challenges. The evaluation reports prepared by the TPB show that the comprehensive face-to-face and online training programs have been highly appreciated by the recipient countries.¹⁴⁵ Overall, the UNODC can be deemed quite successful at a strategic level but somewhat dissatisfactory at the operational level. The UNODC, with its sound and sophisticated organizational structure, enriched material resources, and massive political backing, would have been more effective in addressing transnational terrorism at the operational level.

The most salient accomplishment record of the TPB in coordination with the CTC is its role in promoting the significance of the UN's CT legislative tools and expediting the ratification of these instruments. These accomplishments can be interpreted as the activities of the UNODC in the field of policy coordination and mostly hinge on the contracting power of the UN Charter. Those instruments have helped member states to overcome the barriers to cooperation due to having different legislative frameworks in terrorism-related matters and provided a legal platform to strengthen international cooperation. This common platform reportedly has enhanced the capabilities of national law enforcement and intelligence agencies in preventing and responding to terrorism.¹⁴⁶ Although the utility of merely ratifying the conventions without studying the level of implementation of those said conventions is highly arguable, it can be suggested that the UNODC has partially managed to realize its objectives in terms of policy coordination.

One important aspect where the UNODC has encountered difficulties is in the exchange of information. The absence of a dedicated information exchange system as well as the shortage of staff to deal with around-the-clock communication hampers the effectiveness of the organization. The aforementioned ineffectiveness of the UNODC can be explained by its dominant intergovernmental structure. In contrary to the other IPCOs analyzed in this project, there is no data that the UNODC has even considered to establish

¹⁴⁵ "Results and Impact Assessments of the UNODC/TPB Activities."

¹⁴⁶ Cortright, "A Critical Evaluation of the UN Counter-Terrorism Program: Accomplishments and Challenges," 5–6. The International Convention for the Suppression of Terrorist Bombings (1997) and the International Convention for the Suppression of the Financing of Terrorism (1999) are considered as the most important and useful instruments compared to others with a significantly higher ratification rate.

a competitive interactive and vigilant information exchange system to provide instant data on the terrorism-related issues to its members.

Notwithstanding that, although the training activities have been appreciated by the trainees, the number and scope of the trained personnel are relatively slim compared to the overall numbers of personnel working in these agencies. Additionally, the instant and actionable information on the daily tasks is more praised in many cases than the training received in the classes or on the computer. In other words, in the policing community accurate and timely information is considered as a must-have asset while training is a necessary but supplementary contribution. The means that are developed by the UNODC are more in a stationary nature and only a limited number of law enforcement officers can benefit from those services. By keeping the organization out of the discussions about the modalities of data collection and protection and relatedly political squabbling, the UNODC officials seem to save the professional autonomy of the organization while compromising on the relevancy of its services for the officials working on the ground.

The UNODC's intergovernmental structure precludes the institution's ability to customize programs according to the requirements of local law enforcement agencies. As presented in the structure section of this chapter, most of the time states provide their contributions to be spent on specific programs. Moreover, since all the managerial posts are employed in a top-down manner, member states, and specifically the professionals in the managerial levels, almost have no direct say in the policies and strategies of the institution. This is an impediment for the organization to organize and implement activities that are more necessary from a professional standpoint. In the case of the UNODC, even though the member states' police agencies generally possess political detachment to varying degrees, the organization's intergovernmental structure avoids itself to fully operationalize its technical and professional capacity. This issue also undermines the effectiveness, functionality, and relevance of the organization for the member states.

In order to maintain its relevance and to keep up with the competitive activities of regional initiatives, the UNODC has appealed to develop various regional programs to deal with terrorism as well as other criminal activities. Specialized training programs

have been the key in the UNODC's comparative success in terms of international cooperation practices. The increase in the number of these activities since 2006 can be recorded as a success, since these types of programs are generally demanded, funded and politically embraced by the member states based on their expected benefits. Although most of the operational level activities have been carried out on criminal issues other than terrorism, these regional activities can constitute a strong basis to organize similar programs on CT.

When the outcomes of this analysis are jointly assessed through the main argument of this thesis, it is safe to suggest that the global intergovernmental structure of the UNODC has disallowed the agency to truly undertake information exchange functions and impaired the feasibility of policy coordination activities. Political decision making seems to prevail over professional law enforcement assessments. Even though the agency has enjoyed exclusive contracting power, there were attempts to enforce the policy coordination mechanisms in a top-down manner instead of being embraced and demanded by the operational agencies. The increasing number of regional programs that are demanded and supported by the beneficiary countries also supports the argument that these programs have a higher value in the eyes of the member countries. The UNODC began to be more relevant and valuable for these countries especially after these regional programs, through which member countries acquired customized, sustainable, and meaningful benefits.

IV. EUROPEAN POLICE OFFICE (EUROPOL)

A. PURPOSE AND STRATEGY

The European Police Office (EUROPOL) is the central law enforcement agency in the European Union (EU) system to make Europe a safer place by providing the best possible support to the national law enforcement agencies of the EU member states (MS). EUROPOL also strengthens the cooperation among MS to prevent and combat serious international organized crime and terrorism.¹⁴⁷

In pursuing this vision, the EU hinges on three principles: (1) being a support center for law enforcement operations across the EU, (2) performing as a criminal intelligence clearinghouse, and (3) collecting and disseminating best practices and other relevant law enforcement expertise.¹⁴⁸

Information exchange and operational analysis is at the core of EUROPOL's mandate. The whole system is designed to deliver the most possible accurate and timely information to the relevant law enforcement agencies in the EU system.¹⁴⁹

In 2010, the European Commission adopted the EU Internal Security Strategy document.¹⁵⁰ This strategy also strengthened the previous role and mission of EUROPOL in maintaining the required services to the law enforcement agencies of the MS and facilitating the cooperation on the fight against international organized crime and

¹⁴⁷ *EUROPOL Review 2010 General Report on EUROPOL Activities* (Luxembourg: European Police Office, 2011), 7, https://www.europol.europa.eu/sites/default/files/publications/en_europolreview.pdf; Mathieu Deflem, "Europol and the Policing of International Terrorism: Counter-Terrorism in a Global Perspective," *Justice Quarterly* 23, no. 3 (2006): 342, <http://search.proquest.com/docview/228208208?accountid=12702>; "Council Act drawing up the Convention based on Article K.3 of the Treaty on European Union, on the establishment of a European Police Office (EUROPOL Convention)" (The Council of the European Union, July 26, 1995), European Union Documents, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:1995:316:0001:0032:EN:PDF> Article 3.

¹⁴⁸ *EUROPOL Review 2010*, 7.

¹⁴⁹ *Ten Years of EUROPOL 1999-2009* (The Hague, Netherlands: European Police Office, 2009), 27, <https://www.europol.europa.eu/sites/default/files/publications/anniversary-publication.pdf>.

¹⁵⁰ "The EU Internal Security Strategy in Action: Five Steps towards a More Secure Europe" (European Commission, November 22, 2010), http://ec.europa.eu/commission_2010-2014/malmstrom/archive/internal_security_strategy_in_action_en.pdf.

terrorism. Special emphasis is put on the disruption of criminal networks, prevention of terrorism, and security of cyberspace. These areas are exclusively covered by EUROPOL's mandate, and EUROPOL is directed to attain these objectives through intelligence-led policing concept by strictly adhering to the rule of law and respecting universal human rights.¹⁵¹

Transnational terrorism was set out as one of the priority areas of EUROPOL in the Europol Convention in 1995 by highlighting the need for an enhanced level of cooperation on terrorism-related matters.¹⁵² Indeed, although it was mentioned in the Maastricht Treaty,¹⁵³ countering terrorism was not included in the first drafts of the cited convention. Inclusion of CT as a primary field of activity happened upon the initiatives of the Spanish government. Spanish officials advocated that EUROPOL cannot become a relevant and effective international law enforcement agency without counter terrorism duties in its mandate.¹⁵⁴

The most significant leap forward to cohere to the different counter terrorism efforts in the EU system was the European Union Counter Terrorism Strategy, which was adopted and put into effect in 2005. The strategy assigned specific tasks to EUROPOL around four implementing stages: prevent, protect, pursue, and respond.¹⁵⁵

B. STRUCTURE, BUDGET, AND DECISION MAKING

The foundations of countering terrorism through law enforcement cooperation in modern Europe go back to the 1970s. The Terrorism, Radicalism, Extremism, and

¹⁵¹ *EUROPOL Review* 2010, 7.

¹⁵² "The EUROPOL Convention 1995"; Tony Bunyan, "The EUROPOL Convention" (Statewatch, 1995), <http://www.statewatch.org/news/2005/aug/europol1.pdf>; Deflem, "Europol and the Policing of International Terrorism: Counter-Terrorism in a Global Perspective," 344.

¹⁵³ "Treaty on European Union" (European Union, July 29, 1992), European Union Documents, <http://eur-lex.europa.eu/en/treaties/dat/11992M/htm/11992M.html#0068000002> Article K.1.9.

¹⁵⁴ Bunyan, "The EUROPOL Convention," 5.

¹⁵⁵ "The European Union Counter Terrorism Strategy" (The Council of the European Union, November 30, 2005), <http://register.consilium.eu.int/pdf/en/05/st14/st14469-re04.en05.pdf>; David Casale, "EU Institutional and Legal Counter-terrorism Framework," *Defence Against Terrorism Review* 1, no. 1 (2008): 53.

International Violence group (TREVI) was established in 1975 by European police officials to exchange information on terrorism-related issues.¹⁵⁶

The next attempt in the same vein was the foundation of the Police Working Group on Terrorism (PWGT) in 1979, mostly influenced by the assassination of the British Ambassador to Ireland in 1976.¹⁵⁷ Being an informal association of the Benelux countries in addition to Germany and the UK, this working group aimed to exchange criminal intelligence on Northern Irish terrorist groups. This informal network then expanded to comprise all EU MS plus Switzerland and Norway.¹⁵⁸ The same group also served as the nucleus of the Counter Terrorist Group (CTG), which was formed after the 9/11 attacks.¹⁵⁹

EUROPOL was initially conceived in the so-called Maastricht Treaty within the third pillar of the EU to harmonize and orchestrate the efforts of various European institutions that are handling issues on judicial matters, customs, and immigration.¹⁶⁰ In 1994, the organization started its operations with a limited capacity on illicit drug trafficking in Europe.¹⁶¹ Although EUROPOL was charged with counter terrorism activities in the 1995 Convention, the institution could only formulate its specific tasks just after the initiation of a specialized counter-terrorism preparatory group to define the roles and contributions of EUROPOL. In 1998, EUROPOL's mandate was extended and elaborated to cover counter terrorism operations.¹⁶²

¹⁵⁶ Deflem, "Europol and the Policing of International Terrorism: Counter-Terrorism in a Global Perspective," 340.

¹⁵⁷ Ibid., 341.

¹⁵⁸ Ratzel, "EUROPOL in the Combat of International Terrorism," 13.

¹⁵⁹ Deflem, "Europol and the Policing of International Terrorism: Counter-Terrorism in a Global Perspective," 341.

¹⁶⁰ "The Maastricht Treaty"; Deflem, "Europol and the Policing of International Terrorism: Counter-Terrorism in a Global Perspective," 337, 341.

¹⁶¹ Deflem, "Europol and the Policing of International Terrorism: Counter-Terrorism in a Global Perspective," 341–342.

¹⁶² Casale, "EU Institutional and Legal Counter-terrorism Framework," 50; Deflem, "Europol and the Policing of International Terrorism: Counter-Terrorism in a Global Perspective," 337, 341.

The 9/11 attacks fundamentally changed the course and pace of CT activities in the EU. On September 20, 2001, several new measures against international terrorism were adopted by the European Council of the Ministers of Justice and Home Affairs (CMJHA). Beyond those measures, following the legacy of the PWGT, a specialized CT unit, namely the Counter Terrorism Task Force (CTTF), was established within EUROPOL on November 15, 2001. The unit consisted of terrorism experts from law enforcement and intelligence agencies of the MS. After one year, this unit was placed under the Serious Crimes Department of EUROPOL. In 2004, following the Madrid bombings, the CTTF was reorganized as a separate entity within the EUROPOL hierarchy. The CTTF's objectives are defined as to collect and analyze all relevant intelligence regarding the terrorism threat in Europe, and based on the operational and strategic analysis of the collected intelligence designate comprehensive threat assessments on active terrorist groups and individuals.¹⁶³

In terms of organizational structure and the distribution of regulatory power, EUROPOL can be considered as a hybrid organization. It involves both top-down, centralized foundational features and bottom-up, participatory operational practices. On one hand, EUROPOL was structured by the political entities within the legal frameworks of the overall EU system. On the other hand, the institution has managed to keep its professional organizational culture and bottom-up decision-making practices through the roles of representatives of MS in the executive circles of the organization who are selected from the national law enforcement agencies of the MS.¹⁶⁴

EUROPOL is accountable to the CMJHA and directed by a director and a management board. The Director of EUROPOL is appointed by the Council for a four-year term and the Management Board is comprised of one senior law enforcement representative from each MS. The Director and the Management Board are jointly responsible for the daily operation and supervision of the institution. They adopt reports on EUROPOL's activities and submit these reports to the CMJHA for political

¹⁶³ Deflem, "Europol and the Policing of International Terrorism: Counter-Terrorism in a Global Perspective," 341, 344.

¹⁶⁴ Ibid., 337, 340.

implementation.¹⁶⁵ Since 2010, EUROPOL's democratic supervision has been maintained through the increased role of the European Parliament, in particular during the adoption of the budget and the council regulations pertaining to EUROPOL.¹⁶⁶

EUROPOL's activities are also overseen by several internal and external supervisory bodies to ensure the lawful conduct of its operations. The Joint Supervisory Body, Data Protection Officer, Financial Controller, European Court of Auditors, Internal Audit Service, and Internal Audit Function perform their duties to guarantee that EUROPOL uses its resources in the most possible effective manner and operates in the legal realm.¹⁶⁷

Since 2010, EUROPOL's budget had been constituted by the contributions from the MS based on their gross national income (GNI).¹⁶⁸ This method was inevitably causing the major powers within the EU to insert more funds than the smaller states and have more leverage in EUROPOL. In 2010, EUROPOL became an EU agency with the new EUROPOL Convention and started to receive its funds directly from the EU's general budget.¹⁶⁹

C. INFORMATION EXCHANGE

Information exchange is the core business of EUROPOL. In EUROPOL, mainly four different information exchange systems (from this point forward referred to as interfaces) simultaneously exist and consistently operate. These interfaces are the Electronic Information System (IS or EIS in general) and its affiliated components such as EUROPOL National Units (ENUs) as well as other sub-databases and information

¹⁶⁵ Ibid., 343.

¹⁶⁶ "Management | Europol," Official Website, *European Police Office*, 2012, <https://www.europol.europa.eu/content/page/management-147>.

¹⁶⁷ *Ten Years of EUROPOL*, 24; "Management | Europol."

¹⁶⁸ *EUROPOL 2008 Annual Report* (The Hague, Netherlands: European Police Office, 2009), 42, <https://www.europol.europa.eu/sites/default/files/publications/annualreport2008.pdf>.

¹⁶⁹ *EUROPOL Review 2010*, 8; "Council Decision establishing the European Police Office (Europol)" (The Council of the European Union, April 6, 2009), https://www.europol.europa.eu/sites/default/files/council_decision.pdf.

exchange channels such as SIENA and INFO-EX; the Liaison Bureau; the CTTF; and the Heads of EUROPOL National Units Group (HENU).

EUROPOL was tasked with the building of a computerized system to collect information and a compatible and secure system to effectively communicate among the EU MS. The IS was contemplated to have three major components: (1) an information system, (2) an analysis system, and an (3) index system.¹⁷⁰

The initial information exchange system was codenamed as the Information Exchange System (INFO-EX), which was designed to maintain the swift and secure bilateral exchange of critical information back and forth between EUROPOL and ENUs.¹⁷¹ The most obvious practical advantage of such a system is the increased efficiency of communication among the MS and EUROPOL headquarters.¹⁷²

As the transnational organized criminal and terrorist groups improved their communication capabilities, EUROPOL also compelled to renew its information exchange system. Replacing INFO-EX, the Secure Information Exchange Network Application (SIENA) is the product of this evolution. Activated on July 1, 2009, this next-generation information exchange system was designed to be more user-friendly and put stricter controls on the confidentiality of sensitive and personal data. This development has reportedly helped to mitigate the concerns of some MS on the integrity of their data and encouraged them to share more “valuable” information. Moreover, SIENA was adjusted to interconnect not only the ENUs but also other EU law enforcement agencies and external cooperation partners of EUROPOL such as INTERPOL, Australia, Canada, Norway, and the U.S.¹⁷³

The effective functioning of EUROPOL’s information exchange systems depends on the efficiency of two other units, namely EUROPOL’s Operational Center and ENUs. Operating as a central hub and working around the clock to ensure the flawless

¹⁷⁰ “The EUROPOL Convention 1995” Article 7.

¹⁷¹ *Ten Years of EUROPOL*, 29.

¹⁷² Deflem, “Europol and the Policing of International Terrorism: Counter-Terrorism in a Global Perspective,” 350.

¹⁷³ *EUROPOL Review 2010*, 12–13.

continuation of communication within EUROPOL, the Operation Center has a critical role. The Operation Center also provides support for policing in major events in the MS.¹⁷⁴ The ENUs are also of great importance for EUROPOL's activities. Formed in each MS, these units are jointly responsible for managing and supervising information flow with the Operation Center.¹⁷⁵

In 2000, in pursuance to the guidance of the 1995 Convention, EUROPOL officials decided to setup a specialized EUROPOL Information System (EIS) within, which all the relevant criminal intelligence and professional expertise can be stored. This IS was improved in 2005 to cover all criminal activities under EUROPOL's mandate including terrorism.¹⁷⁶ The primary objective of the EIS was to find cross matches amongst data pooled by different MS.¹⁷⁷ The EIS was updated in 2010 to encourage MS to share more information, in particular sensitive information. Along with the new system, MS reached the ability to integrate EIS to their own national law enforcement systems and automatically upload data.¹⁷⁸

The EIS is also fed by two other EU systems, namely the EU Customs Information System and the FIDE (Identification File of Customs Investigations)¹⁷⁹ that increase the accuracy and completeness of the criminal intelligence gathered from other sources.¹⁸⁰ Under the EIS framework, there are numerous databases that contain sensitive personal information as well as operational and strategic analyses. The so-called Information and Knowledge Centers harbor extensive amounts of data on a wide span of

¹⁷⁴ Deflem, "Europol and the Policing of International Terrorism: Counter-Terrorism in a Global Perspective," 344.

¹⁷⁵ *EUROPOL 2008 Annual Report*, 55.

¹⁷⁶ *Ten Years of EUROPOL*, 30, 46–47.

¹⁷⁷ *EUROPOL Review 2010*, 11–12.

¹⁷⁸ *Ibid.*

¹⁷⁹ French Original: Fichier D'identification des Dossiers D'enquêtes Douanières

¹⁸⁰ Deflem, "Europol and the Policing of International Terrorism: Counter-Terrorism in a Global Perspective," 342–343.

criminal issues.¹⁸¹ By 2010, these centers were then put together under the EU Center for Law Enforcement Expertise (EPE).¹⁸²

The European Explosive Ordnance Disposal Network (EEODN) is used to exchange information among experts on the disposal of explosive materials and provide training to relevant officials in MS and to third states.¹⁸³ The European Bomb Data System (EBDS) is the more elaborated version of the EEODN, which provides instant intelligence on explosives, incendiary, and explosive devices along with the CBRN. The EBDS also includes databases for bombing incidents, libraries, and forums for experts.¹⁸⁴

Another similar web tool is the Crime Scene Website that was developed in collaboration with the European Network of Forensic Institutes (ENFSI). Launched in 2008, the Crime Scene Website aims to facilitate information exchange on crime scene-related issues that have a pivotal importance in criminal investigations.¹⁸⁵ In order to effectively fight against terrorism and acknowledging the emerging importance of digital data in that field, EUROPOL established a Computer Forensic Network. Through this network, EUROPOL offers a high quality service to EU law enforcement agencies by efficiently processing and analyzing vast amounts of data in considerably short timeframes.¹⁸⁶

A more focused tool in countering terrorism is the Check-the-Web tool. This tool was specifically developed to share information on the use of the internet by radical Islamist terrorist groups.¹⁸⁷ Check-the-Web and computer forensic tools were effectively used in the UK Greater Manchester Police Operation leading to the identification of an

¹⁸¹ *Ten Years of EUROPOL*, 32.

¹⁸² *EUROPOL Review 2010*, 24.

¹⁸³ *Ibid.*, 29.

¹⁸⁴ *Ibid.*; *EUROPOL 2008 Annual Report*, 23.

¹⁸⁵ *Ten Years of EUROPOL*, 46–47.

¹⁸⁶ *EUROPOL Review 2010*, 15.

¹⁸⁷ *EUROPOL 2007 Annual Report* (The Hague, Netherlands: European Police Office, 2008), 23–24, <https://www.europol.europa.eu/sites/default/files/publications/annualreport2007.pdf>.

extremist preacher who was planning terrorist attacks in Europe. His identification also revealed several other connections that were of great value for ongoing investigations.¹⁸⁸

The last counter terrorism-targeted IT tool is ATLAS. First offered in 2007, the main objective of ATLAS is to assist anti-terrorism units of the MS to collaborate and exchange their technical information.¹⁸⁹ EUROPOL is working to incorporate the ATLAS Communication Platform into the EPE system.¹⁹⁰ As of 2011, EUROPOL was preparing a joint terrorism database that covers all relevant areas in terrorism-related issues and integrate the outputs of different systems into a common knowledge pool including forensic analysis, biometrical information, and operational analysis.¹⁹¹

Notwithstanding the advanced communication means, analysis lays in the core of intelligence-led law enforcement activities. With this perspective EUROPOL carries out two levels of analysis—at strategic and operational levels. EUROPOL’s analysis system observes three functions: “(1) centralization and management of information, (2) customized text-mining solutions, and (3) analytical capabilities through a wide range of analysis tools.”¹⁹²

In order to coherently undertake its analysis activities, EUROPOL developed the Overall Analysis System for Investigation Support (OASIS) in 2001. After several upgrades and modifications the system became fully active in 2007.¹⁹³

The Analysis Work Files (AWFs), probably the most important and earliest analysis tool of EUROPOL, run under OASIS. First introduced in 1999, AWFs are specialized investigation files that contain specified categories of relevant data on involved individuals.¹⁹⁴ Modus Operandi Monitor is another analysis tool that

¹⁸⁸ *EUROPOL Review 2010*, 28.

¹⁸⁹ *Ten Years of EUROPOL*, 46–47; *EUROPOL 2008 Annual Report*, 32; *EUROPOL 2007 Annual Report*, 31.

¹⁹⁰ *EUROPOL Review 2010*, 24.

¹⁹¹ *Ibid.*, 29.

¹⁹² *Ibid.*, 15.

¹⁹³ *Ten Years of EUROPOL*, 46–47.

¹⁹⁴ *Ibid.*, 29.

continuously screens and analyzes terrorist events and investigations that can affect security in Europe. The outcomes of this tool are cross-matched with MS law enforcement agencies' investigations.¹⁹⁵

Two specialized counter terrorism programs were developed and activated by EUROPOL. The first one is the Terrorist Finance Tracking Program, which was developed with the U.S. to verify the identities of designated providers in the EU. The ultimate objective of this project is to identify and pursue terrorist finances between the two sides of the Atlantic.¹⁹⁶

The other specialized program is on Maritime Piracy. Upon the resolution endorsed by the UN Security Council calling all members of the UN to work with EUROPOL and INTERPOL to eradicate piracy off the coast of Somalia, EUROPOL carries out investigations and focused analyses.¹⁹⁷

In terms of strategic analysis, the most concrete output of EUROPOL is the Terrorism Situation and Trend Report (TE-SAT). These reports are unclassified documents prepared based on the information gathered from MS, open sources, and other EU agencies.¹⁹⁸ Announced annually, EUROPOL informs the European Parliament and the Council on the latest trends and developments in terrorism-related issues. TE-SATs provide guidance to political decision makers and police executives both at the EU and national level to adjust their policies based on contemporary and predicted terrorist threats.¹⁹⁹

In relation to TE-SAT, the monitoring and analysis of open source intelligence (OSINT) has been proven to be useful in all counterterrorism activities of EUROPOL. EUROPOL pays attention to open source data mining and has provided access to relevant

¹⁹⁵ *EUROPOL Review 2010*, 27–28.

¹⁹⁶ “Council Decision on the Conclusion of the Agreement between the European Union and the United States of America on the Processing and Transfer of Financial Messaging Data from the EU to the US for the Purposes of the Terrorist Finance Tracking Program” (The Council of the European Union, July 13, 2010), <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:195:0003:0004:en:PDF>.

¹⁹⁷ *EUROPOL Review 2010*, 29.

¹⁹⁸ *Ibid.*, 16.

¹⁹⁹ *Ibid.*, 17.

data sources for its experts for years. The data collected from the open sources is classified in specific groups and is going to be integrated into the new Terrorism Database for the further use and analysis of law enforcement officers.²⁰⁰

The Liaison Bureau of EUROPOL is the “human interface” of EUROPOL’s communication channels. Consisting of at least one liaison officer from all MS, the Liaison Bureau enables national law enforcement agencies to securely and swiftly share delicate intelligence. Moreover, the bureau brings significant flexibility to the system. In addition to that, information sharing was extended beyond continental Europe by the liaison officers of Australia, Canada, Croatia, Colombia, Iceland, Norway, Switzerland, INTERPOL, and the U.S. Even the U.S. is represented by several liaison officers working for different law enforcement agencies in the U.S.²⁰¹

Another human interface of communication at the tactical and strategic level is the Heads of EUROPOL National Units group. Comprised of the senior officers from MS, the HENU group has been found to be fruitful in defining the strategic objectives of EUROPOL, tackling the barriers to cooperation and communication among ENUs, and giving guidance on the preparation of strategic analysis documents to be submitted to the political circles of the EU.²⁰²

The Counter Terrorism Task Force is the more focused collaborative unit within EUROPOL that carries out strategic and operational level counter terrorism activities. The CTTF, which also can be counted as a human interface in communication, has been sporadically formed and disbanded.²⁰³ Reestablished after the 2004 Madrid attacks, the CTTF played a central role in the preparation of TE-SATs and several important AWFs. The more prominent of these AWFs are “Islamic Terrorism” on extremist Islamist terrorist groups and “Dolphin” on all other terrorist organizations. The CTTF also led several strategic analyses on the financing of terrorism, terrorist movements in Europe,

²⁰⁰ Ratzel, “EUROPOL in the Combat of International Terrorism,” 16.

²⁰¹ *EUROPOL 2008 Annual Report*, 55.

²⁰² *Ibid.*

²⁰³ *Ten Years of EUROPOL*, 25.

and an English-Arabic-English translation system for the analysis of written evidence in Arabic.²⁰⁴

D. AD HOC ASSISTANCE AND CAPACITY BUILDING

Capacity building activities can also be divided into two groups: long-haul and more static capacity building assistance and case-based bilateral or multilateral capacity building activities.

The first tool employed by EUROPOL is the Knowledge Management Center (KMC). The KMC contains contact information of the experts and institutions that possess rare and specific skills on infrequent and marginal criminal activities. The KMC helps law enforcement officials get in touch with the experts in overseas and avoids duplication of efforts and waste of resources. Although this tool resembles an information exchange mechanism, it is more of a stationary database as opposed to other analyzed information exchange mechanisms.²⁰⁵

As in other IPCOs, training is also an important part of the capacity building activities in the EUROPOL structure. Training activities are handled in two levels: internal and external training. Whereas internal training activities mainly focus on increasing efficiency of the information management and exchange services, the external trainings that are offered to MS and non-MS as well as other international organizations cover a wide span of issues that fall into EUROPOL's mandate and considered among the institution's priority agenda issues.²⁰⁶ The training program on witness protection is an example of these training activities. Acknowledging the importance of human intelligence and lawfully gained information in the prosecution processes, EUROPOL organized a specialized program on witness protection. Educating the witness protection officers in the MS is an essential part of the project.²⁰⁷

²⁰⁴ Deflem, "Europol and the Policing of International Terrorism: Counter-Terrorism in a Global Perspective," 344–345.

²⁰⁵ *Ten Years of EUROPOL*, 32.

²⁰⁶ *Ibid.*, 33.

²⁰⁷ *EUROPOL Review 2010*, 21.

Notwithstanding these long-term capacity building activities, EUROPOL does have an edge on ad hoc assistance programs and joint operations. In fact, this is the cornerstone that EUROPOL differentiates itself from the other IPCOs analyzed in this thesis. Although INTERPOL and the UNODC (specifically on drug trafficking) have some similar initiatives on joint operations and joint investigation teams, EUROPOL's mechanisms go way beyond those mentioned activities.

For instance, in 2007 EUROPOL conducted a joint operation under the French presidency and with the participation of more than 20 countries on the trafficking of small arms and light weapons. Almost all mechanisms of EUROPOL were used during this operation including on-the-spot information gathering and analysis teams. The gathered information was shared instantly with other operational counterparts in other countries.²⁰⁸

In the same vein, in 2005 EUROPOL was involved in 40 counter terrorism investigations and provided operational support to MS law enforcement agencies. Additionally, EUROPOL mobilized special assistance teams to major sports and international events such as the 2006 Olympics in Turin and the FIFA World Cup 2006 in Germany.²⁰⁹

The European Network of Advisory Teams (EuNAT) is a network comprised of advisory teams and crisis management groups that provides strategic and/or tactical guidance to law enforcement agencies of the MS, in particular on kidnapping, hostage taking, and extortion cases. The EuNAT maintains the linkage between EUROPOL's advisory teams to convey the immediate support to MS in the cases of life-threatening risks posed by criminal or terrorist groups.²¹⁰

At the more operational level, EUROPOL utilizes its First Response Network (FRN). This network was developed to assist law enforcement agencies of MS in increasing their capacity to responding in a timely manner to terrorist attacks. A team of

²⁰⁸ *EUROPOL 2008 Annual Report*, 23.

²⁰⁹ Ratzel, "EUROPOL in the Combat of International Terrorism," 15.

²¹⁰ *EUROPOL Review 2010*, 20–21.

EUROPOL and MS counterterrorism experts can be deployed immediately after a terrorist attack in any MS to provide the required technical and operational assistance.²¹¹

The Joint Investigation Teams (JITs) of EUROPOL—the special investigation teams that are composed of national and other EU MS law enforcement officers headed by a national senior law enforcement officer with limited authority—are indeed the most robust and salient examples of EUROPOL’s operational capacity. In order to make EUROPOL “more than an intelligence broker,” the EU Council had deliberately stated and promoted the institution’s role in both the initiation of investigations in MS and setting up of JITs on those investigations.²¹²

The Schengen agreements enabled people and commodities as well as criminals to freely move in the European Union. The Amsterdam Treaty integrated all relevant treaties of the EU including the Schengen agreements into the EU *Acquis Communautaire*. The Amsterdam Treaty²¹³ is also the first legal text of the EU that mentions JITs.²¹⁴ Two years later in 1999 in the Tampere Summit,²¹⁵ the EU adopted a more holistic approach on internal security and called for the creation of special investigation teams that conduct investigations across the EU territories.²¹⁶ The Protocol amending the EUROPOL Convention²¹⁷ confirmed the legal status of JITs and granted more authority to initiate, involve, and support criminal investigations within continental

²¹¹ Ibid., 28.

²¹² Tom Schalken and Maarten Pronk, “On Joint Investigation Teams, Europol and Supervision of Their Joint Actions,” *European Journal of Crime, Criminal Law & Criminal Justice* 10, no. 1 (2002): 73, <http://search.ebscohost.com/login.aspx?direct=true&db=sih&AN=12509477&site=ehost-live&scope=site>.

²¹³ “Treaty of Amsterdam Amending the Treaty on European Union, The Treaties Establishing the European Communities and Certain Related Acts” (Office for Official Publications of the European Communities, October 2, 1997), <http://www.europarl.europa.eu/topics/treaty/pdf/amst-en.pdf>.

²¹⁴ *Ten Years of EUROPOL*, 16.

²¹⁵ “European Council Tampere Summit- Presidency Conclusions”, October 16, 2002, http://www.europarl.europa.eu/summits/tam_en.htm.

²¹⁶ *Ten Years of EUROPOL*, 16.

²¹⁷ “Council Act on Drawing up a Protocol Amending the Convention on the Establishment of a European Police Office (Europol Convention) and the Protocol on the Privileges and Immunities of Europol, the Members of Its organs, the Deputy Directors and the Employees of Europol” (Official Journal of the European Communities, November 28, 2002), http://eur-lex.europa.eu/LexUriServ/site/en/oj/2002/c_312/c_31220021216en00010007.pdf.

Europe.²¹⁸ The latest legal regulation on the improvement of the capacities of JITs was made in 2008 by putting special emphasis on the roles of JITs in crisis situations.²¹⁹

E. POLICY COORDINATION AND CONTRACTING

In 1995, EUROPOL was established as a regional transgovernmental agency to coordinate and facilitate international cooperation on criminal issues among the MS as well as third parties.²²⁰ EUROPOL's mandate and its foundational documents have been amended on several occasions to adjust the organization in response to the changing environment.²²¹ This reality has rendered a "patchwork" structure. Notwithstanding that structural issue, due to the internal regulations of the EU any amendment on the mandate or the procedures of EUROPOL is required go through a time-consuming ratification process. Moreover, financing the organization through MS contributions based on their GNIs poses several challenges.

In order to overcome these impediments, the European Council adopted a new decision on April 6, 2009, to incorporate EUROPOL into the EU's general framework as an EU agency. With this new setting, which came into effect as of January 1, 2010, it was intended to lessen the bureaucratic procedures in adapting the organization to the environment and fund the organization directly from the EU budget. This new regulation also aimed to align the organization in a better sense with other EU agencies and increase the democratic auditing of its expenditures through EU financial control mechanisms.²²²

Even before this new regulation, EUROPOL has had significant influence on the policy determination both at the EU and state levels. EUROPOL possesses the ability and

²¹⁸ *Ten Years of EUROPOL*, 46–47; Deflem, "Europol and the Policing of International Terrorism: Counter-Terrorism in a Global Perspective," 345.

²¹⁹ "Council Decision on the Improvement of Cooperation Between the Special Intervention Units of the Member States of the European Union in Crisis Situations" (Official Journal of the European Communities, June 23, 2008), <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:210:0073:0075:EN:PDF>.

²²⁰ "The EUROPOL Convention 1995."

²²¹ "European Council Tampere Summit- Presidency Conclusions"; "The Protocol on the Establishment of Joint Investigation Teams"; "Council Decision on the Role of JITs"; "The Amsterdam Treaty"; "The EU Counter Terrorism Strategy."

²²² *Ten Years of EUROPOL*, 65.

enjoys the opportunity to transmit its recommendations and strategic analyses to the political circles of the EU.²²³ The EUROPOL Director and the Management Board have direct access to the CMJHA members. Moreover, the democratic administration mechanisms of the organization via the representation of all MS at the executive level and the communication of these members with their own political authorities help EUROPOL to remain relevant and important for the MS as well as aligning its policies based on the political and technical requirements of MS.²²⁴ EUROPOL's semi-autonomous structure helps it to harmonize and coordinate policies across the states.

Beyond their practical utilities, the formation of JITs was alone a great leap forward in terms of policy cooperation. The theoretical discussions on the JITs relate to the monopoly of a state on the legitimate use of a nation state on its own soil. It is a fact that EU member states compromise some portion of their sovereignty by allowing foreign nationals to conduct criminal investigations in their own territories. The JITs can be considered as the most successful outcome of EUROPOL in coordinating policies at the EU level.²²⁵

EUROPOL also seeks ways for enhancing its cooperation with third parties. The fundamental tools used to attain this goal are strategic and operational agreements. As of 2012, EUROPOL has operational agreements with seven non-EU states and strategic agreements with 10 non-EU States. In addition to that, EUROPOL signed an operational agreement with INTERPOL and has been a strategic partner of the World Customs Organization and the UNODC.²²⁶

EUROPOL's influence on policy coordination among MS also hinges on its connections with other EU agencies and EU bodies. The Eurojust, the legal and judiciary cooperation agency of the EU, is the foremost important operational partner of

²²³ Gerspacher, "The Roles of International Police Cooperation Organizations," 424.

²²⁴ Ibid., 425.

²²⁵ Ibid., 428–430.

²²⁶ "International Relations | Europol," Official Website, *European Police Office*, 2012, <https://www.europol.europa.eu/content/page/international-relations-31>. Operational Agreements: Australia, Canada, Croatia, Iceland, Norway, Switzerland, and the USA. Strategic Agreements: Albania, Bosnia & Herzegovina, Colombia, FYROM, Moldova, Russia, Turkey, Serbia, Montenegro, Ukraine.

EUROPOL. The other significant strategic partners such as FRONTEX, European Police College (CEPOL), European Monitoring Center for Drugs and Drug Addiction, and the European Anti-Fraud Office collectively and mutually impact both each other's and, in general, the European Union's political calculus.²²⁷

F. CONCLUSION

As presented so far, EUROPOL is the central law enforcement agency of the EU with a comprehensive mandate and the organization receives a considerable amount of political and material backing from both the EU and member states. Though EUROPOL is structured within the legal frameworks of the EU in a top-down manner, its roots can be traced back to the peer-to-peer relations among European law enforcement agencies. Therefore, it would be fair to argue that EUROPOL has a hybrid organizational structure, a delicate combination of carrying both intergovernmental and transgovernmental features. Inheriting the legacy of TREVI and the entrenched police cooperation culture of the European police agencies, EUROPOL has been able to come up with widely accepted and used operational and strategic counter terrorism measures.

In terms of professional autonomy and guidance retrieved from political authorities, Deflem argues that EUROPOL enjoys a significant level of professional autonomy in determining its strategic and tactical objectives while simultaneously guided by the political circles of MS and EU decision-making mechanisms.²²⁸ There was also a tradeoff for EUROPOL between increasing its legitimacy, accountability, and material resources through a better integration into the EU system and compromising the professional control on the organization and its "club-like" organizational culture.²²⁹ The strategic decision of the EU Council to reorganize EUROPOL as an EU agency might be both an opportunity and a threat for the organization. Similar to INTERPOL, this strategic change can provide plenty of sustainable resources to the organization while

²²⁷ "EU Agencies | Europol," Official Website, *European Police Office*, 2012, <https://www.europol.europa.eu/content/page/eu-agencies-135>.

²²⁸ Deflem, "Europol and the Policing of International Terrorism: Counter-Terrorism in a Global Perspective," 337, 340.

²²⁹ *Ibid.*, 354.

hampering its professional autonomy. Nevertheless, there is no indication that EUROPOL is going to fully deprive itself of its professional autonomy. The well-established decision-making structures within EUROPOL help it to focus on the most important security issues from a law enforcement perspective. On the other hand, close connections between the executive board of EUROPOL and the political centers of the EU and member states enable the organization to operate efficiently while maintaining the delicate balance of political guidance *vis-à-vis* professional autonomy.

Measuring the effectiveness of EUROPOL's counter terrorism activities is quite difficult because EUROPOL is overly protective and restrictive in communicating its operational activities to the public. There is very limited data either on the operations of the organization or the effectiveness analyses of EUROPOL.²³⁰ Nevertheless, when the services offered by an IPCO are considered in business terms and on the economic principle of supply vs. demand, the mere existence of the aforementioned programs and IT tools can be counted as mediocre evidence of the fruitfulness of these services and their admission by the beneficiaries. Moreover, some studies done through interviews with practitioners argue that EUROPOL's services are widely used by MS law enforcement agencies and have led to many CT operations in Europe.²³¹

The significance of information exchange mechanisms accompanied with sophisticated means and procedures to collect and disseminate information are the most significant contributions of EUROPOL to its member states' police agencies in countering terrorism. The peer-to-peer professional and democratic settings in articulating the priority areas and the operational methodologies have not only facilitated the orchestrated response to terrorism-related issues but also enhanced the agency's relevance and acceptance among its constituent law enforcement agencies. Devising a unique human interface for communication has led EUROPOL to mitigate possible mistrust issues and brought flexibility and efficiency in sharing information. The special emphasis on the protection of the data provided by the members also seems to encourage

²³⁰ Ibid., 344; Casale, "EU Institutional and Legal Counter-terrorism Framework," 56.

²³¹ Casale, "EU Institutional and Legal Counter-terrorism Framework," 56.

European law enforcement agencies to share more valuable data with the organization. Moreover, the advanced technological infrastructure that integrates EUROPOL and national law enforcement databases and maintains communication channels to the lowest level operatives 24/7 has increased the effectiveness and relevance of the organization.

On the flip side, EUROPOL receives some severe criticisms on its efficiency and effectiveness. Most of these critiques are on the technical problems that law enforcement officers encounter during the operations and information exchange processes. One of these critiques is about the linguistic problems in the communication. In EUROPOL, all information should be translated into EU languages (as of 2012, 13 languages) before disseminated to the ENUs.²³² Nonetheless, linguistic and cultural diversities are known as common barriers to law enforcement cooperation and it would be relatively easier to overcome this problem in a regional organization than a universal one.²³³ Moreover, centuries long common history and interactions can also mitigate the negative consequences of cultural and linguistic differences.

The main disturbance about EUROPOL's effectiveness is the defective flow of information among and between the MS and EUROPOL. Even in 2008, after several modifications and upgrades of the EIS, European law enforcement officers complained about the lack of valuable data coming from EUROPOL channels.²³⁴ From another perspective, the result of the low quality or slim amount of data would not be the flaws in EUROPOL's system. Since it gathers its information mostly from MS domestic databases and criminal analyses, when the MS grow some sort of distrust and refrain from sharing information, EUROPOL has no other alternative but relying on open source data and other secondary information resources.²³⁵

²³² Deflem, "Europol and the Policing of International Terrorism: Counter-Terrorism in a Global Perspective," 351.

²³³ Ors, "What Are The Lessons That Can Be Learned From Turkey's Transnational Operational Police Cooperation Experiences?," 123–126.

²³⁴ Casale, "EU Institutional and Legal Counter-terrorism Framework," 57; Deflem, "Europol and the Policing of International Terrorism: Counter-Terrorism in a Global Perspective," 353; Gerspacher, "The Roles of International Police Cooperation Organizations," 422.

²³⁵ Casale, "EU Institutional and Legal Counter-terrorism Framework," 57.

The refusal of Spanish authorities to share intelligence with French officials after the Madrid bombings can be considered as an example of the shortfalls of the EUROPOL system in CT.²³⁶ Moreover, the political quarrel about the nationality of the next EUROPOL Director in the wake of the Madrid bombings exemplifies how the national sentiments and political agendas can be interpreted as the natural consequences of intergovernmental relations, undermining the effectiveness of police cooperation organizations.²³⁷

Conversely, there were some other “purely” technical level police initiatives at the same time to find a remedy to the terrorism problem among the law enforcement agencies of the EU. For instance, several meetings after the Madrid bombings were held. In Dublin, The European Chiefs of Police Task Force came together with the representatives from INTERPOL, Norway, and Iceland to discuss the latest attacks and future challenges. Therefore, when all these available information is collectively evaluated, it can be argued that EUROPOL cannot be solely blamed for its mentioned relative ineffectiveness. Most of the time, political quarrel and squabbling of states have played the decisive role in determining the effectiveness of EUROPOL.²³⁸

EUROPOL has partly lent the policy coordination function to the upper EU institutions. The European Union doubtlessly serves as a very strong political body and exercises considerable authority on its member states. Indeed, the key value of EUROPOL on the account of policy coordination stems from its regional and transgovernmental structure. For instance, the JITs stand as a good example of how sub-state units can realize a need for advanced cooperation, prepare the required implementing structures, and submit this framework to the political circles of the EU to be incorporated into the EU legislation. Another utility of EUROPOL in terms of policy coordination is its interregional relations with third party international/regional organizations and non-member states. The data shows that some states like Turkey or

²³⁶ Deflem, “Europol and the Policing of International Terrorism: Counter-Terrorism in a Global Perspective,” 353.

²³⁷ Ibid., 348.

²³⁸ Ibid., 348–349.

regional organizations such as the Southeast European Law Enforcement Center (SELEC) engage in law enforcement cooperation activities with EUROPOL to expedite their integration with the EU.

In all the three dimensions that the author analyzes to determine the effectiveness of EUROPOL, he concludes that EUROPOL attains most of its strategic and operational goals. EUROPOL's most significant success would be its sophisticated, advanced, and secure communication channels. The scope and comprehensiveness of the databases offered by EUROPOL along with the analysis tools are invaluable resources. Notwithstanding that, the human interface of communication has been another facilitator in information exchange. EUROPOL's hybrid structure in terms of structural relations has helped the organization to create an operational environment in which its constituent agencies have efficiently exchanged information and shaped their policies in line with each other. This hybrid structure and continuous contacts with the policy-making circles have enabled EUROPOL to gain required material resources to be used in capacity building activities. The cooperative action in a regional context has also been helpful in overcoming cultural, geographic and to some extent linguistic barriers to operational action and policy coordination activities.

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V. SOUTHEAST EUROPEAN LAW ENFORCEMENT CENTER (SELEC)²³⁹

A. PURPOSE AND STRATEGY

The year of 1989 was a sharp turning point especially in the history of Eastern and Southeastern European countries. In the aftermath of the Cold War and the dissolution of the Communist regimes in Southeast Europe, the nations of the region found themselves amidst economic, political, and military conflicts. On one hand, being geographically located in the intersection of the Middle East, Eurasia, and Europe and on the other hand, the catastrophic economic conditions and unstable political environment rendered the region as a considerably fertile area for any sort of criminal activity including terrorism.

Conceiving the emerging threat in the region and its projected ramifications, in 1996, European countries and the U.S. took the initiative and jointly initiated the Southeast European Cooperative Initiative (SECI) as a literally “initiative” and a forum with an extremely loose structure to complement the existing regional cooperative activities on the common problems.²⁴⁰ One of the earliest and most tangible outcomes of the SECI was the establishment of the SECI Regional Center on Transborder Crime (hereinafter referred to as “SECI Center” or “Center”) in 1998 upon the proposed project “Prevention and Combating Trans-border Crime” and was actively supported by the U.S. Ambassador Richard Schifter.²⁴¹ One year later, the mentioned proposal was embodied

²³⁹ Formerly, Southeast European Cooperation Initiative Regional Center for Combating Transborder Crime (SECI Center).

²⁴⁰ *Assessment of the SECI Regional Center for Combating Transborder Crime*, Final Assessment Report (Brussels, Belgium: Council of the European Union, October 14, 2004), 9–10, European Union Documents, <http://www.statewatch.org/news/2012/mar/seci-report.pdf>.

²⁴¹ Thomas C. Adams, “The SECI Legacy,” in *10 years Southeast European Cooperative Initiative from Dayton to Brussels*, ed. Erhard Busek (Wien: Springer, 2006), 185–186, <http://site.ebrary.com/id/10187361>.

in the “Agreement on Co-operation to Prevent and Combat Trans-border Crime”²⁴² and 10 countries signed the Agreement as the first members of the Center.²⁴³

The ultimate goals of the SECI Center were to encourage law enforcement agencies of MS to cooperate on the criminal issues in the region; to analyze criminal activities and disseminate the actionable intelligence among the MS; and to facilitate the integration of the South East European (SEE) countries into the European System.²⁴⁴ The law enforcement concept is interpreted in a dual structure and as not merely the police agencies of the MS but also including customs authorities.

Counter terrorism issues were not explicitly regulated in the initial foundational documents. However, the 9/11 attacks sparked and fueled the “felt need” of the cooperation on terrorism-related issues. Acknowledging that the traditional CT instruments and strategies were not effective and sufficient, on September 14, 2001, the SECI Center issued the “Bucharest Declaration on the Suppression of Terrorism”²⁴⁵ and expedited its studies on terrorism.²⁴⁶ The Declaration outspokenly encourages MS to exchange information on terrorism-related issues and holding a law enforcement perspective, specifically focusing on the nexus between criminal activities and terrorism.

With this intention, the Center reorganized its task force (TF) structure in 2003 and formed the Anti-Terrorism Task Force (ATTF) with two sub-task forces that had been separately operational: TF on Small Arms and Light Weapons (SALW) and TF on Weapons of Mass Destruction (WMD).²⁴⁷ Due to the several constraints that will be

²⁴² “The SECI Agreement on Cooperation to Prevent and Combat Transborder Crime” (SECI Regional Center for Combating the Transborder Crime, May 26, 1999), SELEC Documents, http://www.secicenter.org/p160/Legal_framework_SECI_Agreement.

²⁴³ *Assessment of the SECI Regional Center for Combating Transborder Crime*, 9–10.

²⁴⁴ *Ibid.*, 23.

²⁴⁵ “The Bucharest Declaration on the Suppression of Terrorism and Resolution on Assistance to the Investigative Process Related to the Terrorist Attack in the United States of America” (SECI Regional Center for Combating the Transborder Crime, September 14, 2001), <http://www.secicenter.org/p440/Antiterrorism+Declaration>.

²⁴⁶ *Report of the Activities of the SECI Regional Center 2002* (Bucharest, Romania: SECI Center, 2002), 2–3, 15, http://www.secicenter.org/p219/Activity_Report_on_2002.

²⁴⁷ *SECI Center 2003 Annual Activity Report* (Bucharest, Romania: SECI Center, March 2004), 10–11, http://www.secicenter.org/p220/Activity_Report_on_2003.

presented, the objectives of the ATTF are relatively modest. The main objectives of the TFs are to organize events and develop means for the sharing of best practices; to set up a network of National Contact Persons on CT issues; to conduct training activities; and to provide strategic and operational analysis documents.²⁴⁸ The ATTF strives to accomplish its designated goals via two operational instruments of the Center: direct information exchange and TF activities.²⁴⁹

B. STRUCTURE, BUDGET, AND DECISION MAKING

The SECI Center has continued to evolve and respond to the environmental changes in the international context. The organization's initially crafted shell began to be tighter and insufficient to govern the steadily increasing operational activities. Therefore, beginning in 2007, the MS started to discuss reforming the organization with a series of updates and amendments. The Convention of the Southeast European Law Enforcement Center was opened for signature on December 9, 2009.²⁵⁰ The Convention was ratified by all member states and the SELEC finally became operational on October 7, 2011. Inheriting all of the priority agenda issues of the SECI and also elaborating some technical, administrative, and operational matters, the SELEC Convention became the "new" foundational document of the organization.²⁵¹

The new Convention has highlighted several key points to enhance the effectiveness of the organization in general terms. A special emphasis was put on maintaining flexibility and operational effectiveness on one hand, and continuing to

²⁴⁸ "Overview of the SECI Center Involvement in Combating Terrorism" (UN Counter-Terrorism Committee Executive Directorate (CTED), April 21, 2011), 2, UN Documents, <http://www.un.org/en/sc/ctc/specialmeetings/2011/docs/seci-center-overview-antiterrorism.pdf>.

²⁴⁹ Alexandru Ionas, "SECI REgional Center for Combating Transborder Crime Keynotes" (Stability Pact for South Eastern Europe, n.d.), 2, http://www.stabilitypact.org/rt/SECI%20Center%20Key%20Notes%20_SP%20WT%20III%20Meeting%20Prague.pdf.

²⁵⁰ "Convention of the Southeast European Law Enforcement Center" (Southeast European Law Enforcement Center, December 9, 2009), SELEC Documents, [http://www.secicenter.org/p514/Convention+of+the+Southeast+European+Law+Enforcement+Center+\(SELEC\)](http://www.secicenter.org/p514/Convention+of+the+Southeast+European+Law+Enforcement+Center+(SELEC)).

²⁵¹ "About SELEC," Official Website, *Southeast Europe Law Enforcement Center*, 2012, <http://www.secicenter.org/m106/About+SELEC>.

provide accurate and timely strategic and operational analysis on the other hand. Notwithstanding that, the significance of data protection in line with the EU standards, the need for advanced computerized information and communication systems, and the obtained international legal personality are recognized and appropriate instruments embedded in the aforementioned Convention.²⁵²

The SECI Center operates with a comparatively simple organizational structure and with a small operational, administrative, and advisory staff. The highest decision-making organ of the organization is the Council, formerly the Joint Cooperation Committee (JCC), which is comprised of two high level national members from the police and customs authorities of the member states. Currently, 13 countries are in the Council and it is presided by a chairperson selected annually from a MS in alphabetical order; the Council convenes intermittently and selects the SELEC administration for two-year terms.²⁵³ The Council requires acquiring consensus of all MS on some foundational issues, but in other cases two-thirds of the majority is sufficient to make a decision.²⁵⁴ The organizational structure of the organization is shown in Figure 4.

The organization is administered by a Director General and two Directors for Operational and Legal/Internal Directorates. Under the Operational Directorate, TFs and Liaison Officers (LOs) handle the daily information exchange activities and scheduled cooperation activities on the specific crime areas. Each member state has the right to assign two LOs, one from customs and another from the police agencies. As of 2012, 17 LOs serve from 13 MS in the SELEC.²⁵⁵ These LOs maintain information exchange among the SELECs, requesting MS and National Focal Points (NFPs). The NFPs are the dedicated offices in each MS that collect and divert information requests and responses

²⁵² Ibid.

²⁵³ *SECI Regional Center for Combating Transborder Crime 2008 Annual Report* (Bucharest, Romania: SECI Center, 2009), 9, <http://www.secicenter.org/p454/Activity+Report+on+2008>.

²⁵⁴ “SELEC Convention” Article 8.

²⁵⁵ “SELEC Liaison Officers and Experts,” Official Website, *Southeast Europe Law Enforcement Center*, 2012, <http://www.secicenter.org/p231/Pictures>.

within the countries.²⁵⁶ As of 2012, there are eight TFs working on a wide span of criminal issues that are prevalent and common in the region.²⁵⁷

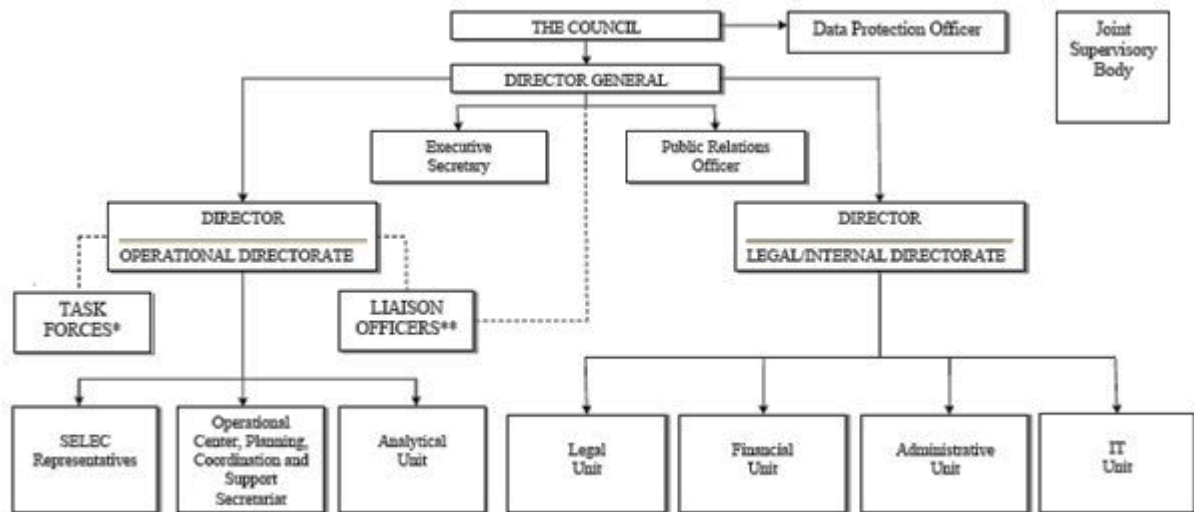


Figure 4. Organization Structure of the SELEC²⁵⁸

The SECI Center and then the SELEC has managed to increase its visibility in the international arena and attracted many countries' interests. As of 2012, 13 countries²⁵⁹ in the region have signed and ratified the SELEC Convention. Notwithstanding these states, there are also 17 observer countries²⁶⁰ all over the world and 5 international

²⁵⁶ "SELEC National Focal Points," Official Website, *Southeast Europe Law Enforcement Center*, 2012, http://www.seccenter.org/p156/National_Focal_Points.

²⁵⁷ "SELEC Task Forces," Official Website, *Southeast Europe Law Enforcement Center*, 2012, http://www.seccenter.org/p133/Task_forces. Task Forces: (1) TF on Human Trafficking and Migrant Smuggling, (2) Anti-Drug Trafficking TF, (3) Anti-Fraud and Anti-Smuggling TF, (4) Financial and Computer Crime TF, (5) TF on Stolen Vehicles, (6) Anti-Terrorism TF, (7) Container Security TF, and (8) Environmental and Nature Related Crimes TF.

²⁵⁸ "SELEC Organizational Structure," Official Website, *Southeast Europe Law Enforcement Center*, 2012, http://www.seccenter.org/m124/Organisation_structure.

²⁵⁹ "About SELEC." (1) Albania, (2) Bosnia and Herzegovina, (3) Bulgaria, (4) Croatia, (5) the Former Yugoslav Republic of Macedonia, (6) Greece, (7) Hungary, (8) Moldova, (9) Montenegro, (10) Romania, (11) Serbia, (12) Slovenia and (13) Turkey.

²⁶⁰ "SELEC Observer Countries," Official Website, *Southeast Europe Law Enforcement Center*, 2012, http://www.seccenter.org/p228/SECI_Observer_Countries. The observer Countries: (1) Austria, (2) Azerbaijan, (3) Belgium, (4) Czech Republic, (5) France, (6) Georgia, (7) Germany, (8) Israel, (9) Italy, (10) Japan, (11) The Netherlands, (12) Portugal, (13) Slovakia, (14) Spain, (15) Ukraine, (16) United Kingdom, and (17) United States of America.

organizations.²⁶¹ In addition to these observer states and institutions, INTERPOL and the WCO have permanent observer status in the organization.²⁶²

The budget of the SELEC is primarily maintained by the annual MS payments. The Center is also financed partly through external sources and sponsorships. Turkey and Greece has been the major funders. However, especially in the initial periods of the organization, the U.S. provided almost half of the organization's annual budget.²⁶³ Moreover, the U.S. endowed technical equipment and furnished the SECI Center's headquarters.²⁶⁴ The headquarter premises are located in Bucharest, Romania, and granted by the Romanian government as a direct contribution with a HQ agreement.²⁶⁵ The annual payments of MS can usually cover the routine operations of the Center and the Center has had to seek for additional funding for its TF activities and infrastructure enhancements. Nevertheless, by all means it is safe to state that the SELEC's budget is comparatively slim and restricted.²⁶⁶

C. INFORMATION EXCHANGE

Information exchange is the primary field of activity of the SELEC. As stated in its foundational documents and demonstrated by its operational track, the SELEC firstly

²⁶¹ "SELEC Observer International Organizations," Official Website, *Southeast Europe Law Enforcement Center*, 2012, http://www.secicenter.org/p229/International_Organizations. The observer international organizations: Central Asian Regional Information and Coordination Center (CARICC), (2) UNODC, (3) European Union Border Assistance Mission to Moldova and Ukraine (EUBAM), (4) UNDP Romania (UNDP), and (5) United Nations Mission to Kosovo (UNMIK).

²⁶² "Permanent Advisors," Official Website, *Southeast Europe Law Enforcement Center*, 2012, http://www.secicenter.org/m123/Advisory_Board.

²⁶³ *Assessment of the SECI Regional Center for Combating Transborder Crime*, 43–47.

²⁶⁴ "Multi-Media Law Enforcement Library Donated by FBI to SECI," *US FED News Service, Including US State News* (Washington, D.C., November 28, 2007), <http://libproxy.nps.edu/login?url=http://search.proquest.com.libproxy.nps.edu/docview/468753985?accountid=12702>.

²⁶⁵ "The Headquarters Agreement between Romania and The Regional Center of Southeast European Cooperative Initiative for Combating Transborder Crime" (SECI Regional Center for Combating the Transborder Crime, October 2, 2000), SELEC Documents, http://www.secicenter.org/p161/Headquarter_agreement.

²⁶⁶ *Assessment of the SECI Regional Center for Combating Transborder Crime*, 11.

aims to facilitate communication among the law enforcement agencies of MS.²⁶⁷ As cited before, the SELEC utilizes two main information exchange methods: LOs and task forces. These “human-interfaces” of communication are attempted to be supported with secure and reliable electronic communication services. Although the SELEC has a secure electronic communication system working behind the firewalls and through an encrypted VPN as well as an intranet system for internal communication, it is no match to the information systems of similar IPCOs. The SELEC does not possess an automated 24/7 information exchange system that can receive/respond online queries from the MS. Instead, the Center has signed the Memoranda of Understandings (MoUs) with INTERPOL and some other major international law enforcement cooperation organizations to get access to their systems.²⁶⁸

One of the key elements of the SELEC’s information exchange system is the National Single Point of First Contact (National Focal Point-NFP). These focal points are not necessarily expert units to provide requested information with their own capacity but instead they serve as a clearinghouse for the incoming and outgoing messages and maintain the fast and proper transmittance of information within the MS.²⁶⁹

The Liaison Officers network stationed in the HQ is another important component of the system. There are no dedicated CT liaison officers in the SELEC, but the LOs are tasked to maintain communication with the NFP or in some cases directly with the relevant authority in their own country. These LOs are also the project managers of the TFs. They are expected to draft the necessary documents for TF activities and carry out other preparatory activities for the seamless functioning of TFs.²⁷⁰

The SELEC has acknowledged the importance of confidentiality and security of shared intelligence. With this respect, the SELEC has adopted several rules and principles and taken several measures to maintain the confidentiality and integrity of information. A

²⁶⁷ *SECI Center 2008 Activity Report*, 14.

²⁶⁸ *SECI Regional Center for Combating Transborder Crime 2005 Annual Report* (Bucharest, Romania: SECI Center, May 2006), 28, http://www.secicenter.org/p222/Activity_Report_on_2005.

²⁶⁹ *SECI Center 2002 Activity Report*, 3.

²⁷⁰ *Ibid.*

special data protection officer is employed to oversee and regulate the information flow.²⁷¹ According to the rules of the SELEC, requesting MS have to assign the same level of confidentiality on the information that is provided by another country.²⁷²

The ATTF is the specialized TF on terrorism-related issues in the SELEC structure. Established in 2003 and coordinated by the Turkish National Police, the ATTF is comprised of two sub-task forces. The TF on Small Arms and Light Weapons and the TF on Weapons of Mass Destruction were initiated and coordinated by Albania and Romania, respectively. After the 9/11 attacks in the U.S. and the Bucharest Declaration, the SECI MS came to the understanding that the Center needed a better and orchestrated structure to deal with terrorism. In 2002, Turkey announced its readiness and willingness to lead and coordinate such a TF in the SEE region.²⁷³ The primary goals of the TF are to find and analyze information on the terrorist groups that pose a security threat in the region and also unravel the nexus between terrorist groups and criminal organizations.²⁷⁴ The ATTF organizes workshops and operational meetings to discuss the terrorist trends and debrief the terrorism experts of the SELEC member states.²⁷⁵ Terrorist financing has become one of the primary agenda issues of the task force. The TF has been convening workshops and targeted meetings on the addressing of terrorist financing in the region.²⁷⁶

The first operational activity of the ATTF was conducted upon the request of the U.S. Secret Service in October 2001. In order to identify the bank accounts that were suspected of financing terrorism in the SEE region, an FBI watch list was disseminated to the MS and in return some suspicious bank accounts and transactions were detected in

²⁷¹ "SELEC Organizational Structure."

²⁷² *SECI Center 2008 Activity Report*, 14.

²⁷³ *SECI Center 2002 Activity Report*, 15.

²⁷⁴ *SECI Center 2003 Activity Report*, 10–11.

²⁷⁵ *SECI Center 2005 Activity Report*, 21; "Overview of the SECI Center Involvement in Combating Terrorism," 2.

²⁷⁶ "5th Anti-Terrorism Task Force Meeting and Regional Workshop on Countering Terrorist Financing" (Southeast European Law Enforcement Center, July 4, 2011), <http://www.secicenter.org/p504/04+July+2011>.

Albania, Bosnia-Herzegovina, and Turkey.²⁷⁷ In February 2002, another arguably indirect operational accomplishment of the ATTF was the preparation and dissemination of an analytical report on the movement of refugees and illegal immigration from conflict areas, focusing on the Afghanistan and neighboring regions, to Europe.²⁷⁸

The SALW TF has been one of the most vibrant and beneficial TFs in countering terrorism. Addressing the smuggling of light weapons and explosives in the region, the SALW intends to deprive terrorist groups of the instruments to commit terrorist attacks. The SALW was established in 2002 and in its first year reported 60 criminal investigations and 91 small arms seizures in the MS. Additionally, approximately 20,000 rounds of ammunition and different types of explosives were captured in different operations.²⁷⁹

In 2005, the SALW coordinated a very successful undercover operation codenamed “Plowshare” on the trafficking of small weapons. After an initial undercover purchase, the operation was continued to discover other nodes in the criminal network. The operation led to the arrest of 17 individuals and the discovery of several smuggled weapon warehouses in the neighboring countries. Important amounts of weapons and ammunitions including anti-tank missile launchers and explosives used to prepare IEDs were seized.²⁸⁰ In 2010, a SECI- coordinated operation on the smuggling of light weapons resulted in the arrests of three people and the seizure of 2 kg of explosives, 16 guns, two rifles, a machine gun, and hand grenades.²⁸¹

The SELEC also offers another indirect contribution to CT activities. The Container Security Task Force, established in 2005 and coordinated by the Hellenic Customs and Excise Duties (Greece), is the only one of its kind in international law

²⁷⁷ “Anti-Terrorism Task Force (ATTF) Southeast European Cooperative Initiative (SECI) Regional Center for Combating Transborder Crime” (OSCE Action against Terrorism Unit, n.d.), 1, <http://www.osce.org/atu/24812>.

²⁷⁸ Ibid.

²⁷⁹ *SECI Center 2002 Activity Report*, 10–12.

²⁸⁰ *SECI Center 2005 Activity Report*, 22.

²⁸¹ *SECI Regional Center for Combating Transborder Crime 2009 Annual Report* (Bucharest, Romania: SECI Center, 2010), 33, <http://www.secicenter.org/p488/Activity+Report+on+2009>.

enforcement practices. Recognizing the fact that the majority of the SELEC members have sea ports that are actively involved in containerized shipments and there is a possibility these containers could be used to smuggle illegal commodities and human beings including the CBRN and WMD for terrorist activities, this TF works to better supervise and control the containerized shipping activities in coordination with the U.S. Department of Homeland Security.²⁸² Operation “Secure Ark” was conducted in 2008, specifically targeting to detect and deter at import or transit, by sea or land WMD and CBRN substances as well as other terrorism-related materials.²⁸³

The analysis of the information on terrorism-related issues is among the objectives of the ATTF. In this regard, three types of activities have been carried out by the ATTF. The first one is the routine analysis report drafted and debriefed in prescheduled workshops and meetings. Secondly, the ATTF prepared the booklet on “Counterterrorism Experiences of SECI Member Countries” and disseminated it in the “5th Anti-Terrorism Task Force Meeting and Regional Workshop on Countering Terrorist Financing.” The booklet is comprised of elaborate information on CT best practices, structures and legal frameworks of the SELEC MS, and the booklet offers in-depth analysis of the trends and further steps to strengthen the response against terrorism.²⁸⁴ The last analysis tool is the “Common Organized Crime Threat Assessment in SEE Region (OCTA-SEE).” This analytical report was first prepared in 2009 to fill in the intelligence vacuum between the EU and SEE regions, of which the former was elaborately and critically analyzed by OCTA and TE-SAT reports. The EU, and in particular EUROPOL, assisted the preparation of the OCTA-SEE.²⁸⁵ Although the OCTA-SEE is predominantly an analytical tool on the situation of organized crime threat in the SEE region, in the 2010 edition a special chapter is spared for the connection

²⁸² *SECI Center 2005 Activity Report*, 22.

²⁸³ *SECI Center 2008 Activity Report*, 38.

²⁸⁴ “5th Anti-Terrorism Task Force Meeting and Regional Workshop on Countering Terrorist Financing.”

²⁸⁵ “Organized Crime Threat Assessment in South East Europe - OCTA-SEE,” Official Website, *Southeast Europe Law Enforcement Center*, 2012, <http://www.secicenter.org/p460/OCTA+SEE>.

between organized crime groups and terrorist organizations in the region.²⁸⁶ Although yet not prepared, the OCTA-SEE exemplifies the parallel alignment of strategic and operational objectives of the EU and SELEC. Based on this alignment, it would be safe to expect that a similar analysis can also be conducted on terrorism-related issues in the SELEC taking the TE-SAT as a model.

D. AD HOC ASSISTANCE AND CAPACITY BUILDING

In terms of capacity building activities and ad hoc assistance, the SELEC has not been able to offer so much to the MS. That is partly because of the limited amount of resources that can be pooled by the MS into SELEC activities. Notwithstanding that, as discussed before the funding of the organization is not so predictable and TF activities mainly rely on the coordinator countries' own planning.

Nevertheless, the SELEC premises offer fairly good and sufficient facilities for training activities. Since the inception, the Center has provided many unilateral and joint training programs to the HQ staff and practitioners from the MS. Aside from the trainings conducted in the HQ, TF coordinators also organize targeted trainings in their own countries.

For instance, in 2003 the SELEC organized a seminar on WMD in collaboration with the FBI and a course on SALW and Criminal Firearms Intelligence Course in Bucharest, Romania.²⁸⁷ In 2004, Turkey hosted a training course on Terrorism, Strategies in Combating Terrorism, Investigations of Terror Events, and Intelligence. In the same year, another training program was carried out on Bomb Disposal Techniques for six weeks in Ankara.²⁸⁸ In 2008, Turkey provided a specialized program to Bosnia and Herzegovina Special Operations teams on rescue operations of hijacked planes in Ankara, Turkey.²⁸⁹

²⁸⁶ "Overview of the SECI Center Involvement in Combating Terrorism," 2.

²⁸⁷ *SECI Center 2003 Activity Report*, 13.

²⁸⁸ "Anti-Terrorism Task Force (ATTF) Southeast European Cooperative Initiative (SECI) Regional Center for Combating Transborder Crime," 1.

²⁸⁹ "SELEC Anti-Terrorism Task Force," Official Website, *Southeast Europe Law Enforcement Center*, 2012, http://www.secicenter.org/p263/Anti_Terrorism_Task_Force.

The Task Force on WMD organized a crisis response simulation exercise in 2007 against a WMD-caused threat in the Black Sea region. The five-day long exercise was organized jointly with the U.S. Department of Defense and conducted using videoconference technology. During the exercise, the participants reportedly found the chance to test national and international command post procedures.²⁹⁰

Beside training activities, the SELEC's most salient ad hoc contribution to the CT activities in the SEE region is its "Witness Protection Program." Witness testimony is of great value in the prosecution of organized criminal activities and terrorist organizations, both of which specifically pay attention to operational security and adeptly use electronic communication means to not leave any traces. Thereof, the SELEC initiated a specialized witness protection program to protect, assist, transport, and facilitate the testifying procedures of witnesses. The program was first used in the abovementioned undercover operation and one individual was taken into the program. The transportation and security of the witness as well as the testifying of him through a videoconference system was provided by the SECI Center.²⁹¹

E. POLICY COORDINATION AND CONTRACTING

The SELEC's direct influence on the political decision-making circles of the MS is relatively slim. It should be underlined that neither the Convention signed by the MS nor the MoUs with third parties impose any kind of legal obligation on the signatory parties. In terms of data protection and confidentiality, although the SELEC adopts specific rules and procedures and refers to the Council of Europe Convention on Data Protection, the SELEC does not have any authority to enforce the ratification of exclusive data protection legislations or the establishment of personal information databases in the MS.²⁹²

²⁹⁰ *SECI Center 2008 Activity Report*, 37.

²⁹¹ *SECI Regional Center for Combating Transborder Crime 2007 Annual Report* (Bucharest, Romania: SECI Center, May 2008), 31, <http://www.secicenter.org/p423/Activity+Report+on+2007>.

²⁹² *Assessment of the SECI Regional Center for Combating Transborder Crime*, 10.

Throughout its short history, the Center has strived to overcome this impediment by expanding its outreach to and cooperative activities with other credible international organizations. By granting permanent advisor positions to INTERPOL and the World Customs Organization (WCO), the Center has managed to increase its visibility and prove its relevance as an important player in the law enforcement arena.²⁹³

If cooperating with INTERPOL and the WCO is considered as a vertical expansion of outreach, the SELEC has also extended its influence diagonally by getting in touch with the South East European Prosecutors Advisory Group (SEEPAG). The Center supported the activities of SEEPAG to tackle the problems originating in the international law enforcement cooperation realm due to incompatible and different legal procedures.²⁹⁴ It would be argued that this kind of cooperation has enhanced the role and influence of the Center on the jurisdictional circles of the MS who have hypothetically more influence and say on the political agendas of their respective countries. Another similar cooperative activity was implemented with the Regional Cooperation Council (RCC), a political, regional cooperation organization in the SEE region.²⁹⁵

The Center has also carried out formalized professional cooperation activities with other regional law enforcement cooperation organizations such as the Central Asian Regional Information and Coordination Center (CARICC) and research institutes like the UN Inter-regional Crime and Justice Research Institute (UNICRI).²⁹⁶

The SELEC as an idea and its operational activities have been praised by many high level officials around the world, but the EU and the U.S. have given special importance to the SELEC. Beside the Ministers of Interior of MS, dignitaries such as the Directors of EUROPOL and FBI, the Undersecretary of U.S. Homeland Security, and the

²⁹³ *SECI Center 2005 Activity Report*, 28.

²⁹⁴ *SECI Center 2007 Activity Report*, 32.

²⁹⁵ “Regional Cooperation Council | Overview,” Official Website, *Regional Cooperation Council*, 2012, <http://www.rcc.int/pages/6/2/overview>. Through a regionally owned and led framework, the RCC focuses on promotion and enhancement of regional cooperation in South East Europe (SEE) and supports European and Euro-Atlantic integration of the aspiring countries. The RCC provides operational capacities to and works under the political guidance of the SEECF.

²⁹⁶ *SECI Center 2009 Activity Report*, 45.

General Director of French National Police have paid visits to the SELEC HQ and highlighted the important role of the organization.²⁹⁷

Probably the most important role of the SELEC in shaping and harmonizing different policy choices of the SELEC MS is in its part of facilitating the integration of MS to the EU. The EU has helped the SELEC to enhance its capacity, recognizing the fact that the SEE region is an inseparable and significant part of the future EU. In order to maintain the smooth and satisfactory integration of the SEE countries in line with the third pillar of the EU, the SELEC has a leading role, though indirect and hindered due to the resource-wise limitation.

In addition to that, the European Commission experts clearly stated in one of their evaluations on the Center that the SELEC MS are in the “front-line of every major area of crime which is ultimately targeted for the EU; it is therefore in the best interest of the European Union to support the SECI Center.”²⁹⁸ The criminal and terrorist threat originating from the region render an impetus and constitute complex interdependencies to mutually reinforce and assist each other. When considered in terms of policy coordination on CT-related issues, these interdependencies and the leading role of the SELEC as a facilitator of integration increase the importance of the SELEC and its policy recommendations on the MS.

F. CONCLUSION

The available data on the effectiveness of the SELEC’s counter terrorism efforts and the literature on the terrorism situation in the SEE region reveal some important points. First of all, it should be noted that the SECI Center or SELEC is a success at the ideological level; bringing the countries together that have entrenched fairly fresh military and ethnical grievances to orchestrate their efforts in countering terrorism is a fairly difficult task. Second, although the Center is still in its nascent periods where it requires a lot of effort and resources to be in the same league with the other IPCOs

²⁹⁷ *SECI Center 2004 Annual Activity Report* (Bucharest, Romania: SECI Center, April 2005), 17, http://www.secicenter.org/p221/Activity_Report_on_2004.

²⁹⁸ *Ibid.*, 18.

analyzed in this thesis, some of its programs have been comparatively quite successful. Third, the Center has made good use of the lessons learned in terms of international cooperation in law enforcement as creating a well-functioning human interface for communication. In relation to that, the democratic decision-making and transparent governance methods lay an incentive for the law enforcement agencies of the SELEC MS to more actively participate in the SELEC's activities. Fourth, partly due to the significance given by the U.S. and the EU, the SELEC has managed to prove its relevance as a facilitator and a mediatory of integration with the Western world. In general terms, it can be argued that the SELEC has been most successful on coordinating policies in the region due to its aforementioned granted role as a facilitator and as a "yardstick" to gauge the willingness of the member states to align their policies with the EU and the U.S.

Utilizing a human interface of communication, the SELEC has managed to render a reliable and efficient information exchange structure. Although its readily available information exchange system is no match to either INTERPOL's or EUROPOL's, the collegial relationships among the LOs located in the SELEC headquarters have yielded quite successful outcomes, especially on crimes other than terrorism. One of the most interesting implications of transgovernmental relations within the SELEC is its unique and comprehensive approach to law enforcement cooperation as bringing together the customs and police agencies under the same roof. Acknowledging that these two agencies' work mutually reinforces their overall effectiveness, the SELEC conveys a different and idiosyncratic approach to international law enforcement cooperation.

For a better understanding of the SELEC's effectiveness on CT, one should take a glance at the terrorist threat in the region. In overly simplified terms, terrorist threat originated from or affecting the SEE region is threefold: (1) a possible source of terrorist financing due to low governmental control and being located in the conjunction of major trafficking routes for a diverse list of illegal commodities that are either targeted to or originated from Western Europe, (2) a sanctuary and safe haven for the radical Islamist terrorist groups for preparation or recuperation, and (3) intra-regional transnational terrorist activities as an outcome of deep-seated ethnic, religious and/or political disputes.

There seems to be a disagreement between the political and law enforcement authorities of different states in the region on the significance or even existence of a terrorist threat in the SEE region. Some argue that in general terms economic deficiencies and organized crimes instead of terrorism are way more prevalent in the region. The proponents of this argument refrain from active participation in the CT activities within the SELEC framework by denying the existence of terrorist activities in their countries.²⁹⁹ Some others, nonetheless, suggest that there is substantial data about the linkages of radical Islamist groups operating or hiding in the region.³⁰⁰ Moreover, these authorities also underline the nexus between organized criminal activities and terrorism that is exploited by the terrorist groups to fund their nefarious intentions.³⁰¹ Additionally, transnational and domestic terrorism do exist in the region and various terrorist groups continue to commit terrorist acts in different countries in the SEE region.

The second group supports their argument with more objective and credible information. The UNODC's World Drug Reports consistently demonstrate that the Balkans sit on the exact conjunction point of three different and major drug trafficking routes: (1) the Balkan route of heroin (from Afghanistan to Europe), (2) partially the Northern route of heroin (from Afghanistan to Russia and then Europe in general), (3) precursors and synthetic drugs from Europe to the Middle East and Arabian Peninsula.³⁰² Even only the illicit economy rendered by the trafficking and abuse of drug trafficking (almost 60% of Afghan heroin) creates significant vulnerabilities and fertile environments for terrorist financing.

²⁹⁹ Steven Woehrel, *Islamic Terrorism and the Balkans*, CRS Report for Congress (Federation of American Scientists, July 26, 2005), FAS CRS Reports, <http://www.fas.org/sgp/crs/terror/RL33012.pdf>; "5th Anti-Terrorism Task Force Meeting and Regional Workshop on Countering Terrorist Financing."

³⁰⁰ Yossef Bodansky, "Osama Bin Laden Focuses on the Balkans for the New Wave of Anti-Western Terrorism," *Defense & Foreign Affairs Strategic Policy* 31, no. 8 (August 2003): 20, <http://search.proquest.com.libproxy.nps.edu/docview/197551244/fulltextPDF/13604892FC15E3DDC9/4?accountid=12702>.

³⁰¹ Thomas M. Sanderson, "Transnational Terror and Organized Crime: Blurring the Lines," *SAIS Review* XXIV, no. 1 (Winter-Spring 2004): 49–61; "5th Anti-Terrorism Task Force Meeting and Regional Workshop on Countering Terrorist Financing."

³⁰² *UNODC World Drug Report 2011* (New York, USA: United Nations Office on Drugs and Crime, 2011), 71, 163–164, http://www.unodc.org/documents/data-and-analysis/WDR2011/World_Drug_Report_2011_ebook.pdf.

The special interest and presence of radical Islamist terrorists in the region were also well documented. For instance, Osama bin Laden sent one of his lieutenants to Bosnia and Herzegovina to recruit “Slavs” into the ranks of al-Qaeda.³⁰³ It is also reported that more than 700 Islamist militants who came to the region during the so-called Bosnia War in the early 1990s remained in the region and gained citizenship status by bribing the authorities.³⁰⁴ Moreover, in January 2002, Bosnia turned over Bensayah Belkacem, convicted of being a senior al-Qaeda member, along with other five individuals to the United States. All of these individuals were incarcerated in Guantanamo by the U.S.³⁰⁵

Notwithstanding the presence of radical Islamist terrorist groups, the data also shows that terrorism, both transnational and domestic, continues to exist in the region. According to the RAND Database of Worldwide Terrorist Incidents, 1,582 terrorist acts have been committed in the SELEC MS alone between 1999 and 2009. Of these incidents, 201 are labeled as transnational incidents and Greece (117), Turkey (60), Kosovo (12), and Serbia (8) are the most damaged countries from these terrorist attacks. As a result of these transnational terrorist attacks, 547 people were injured and 55 individuals lost their lives. Therefore, the arguments claiming that the SEE region is not plagued with terrorism is quite groundless.³⁰⁶

The effectiveness analysis of the CT activities of the SELEC in comparison with the other law enforcement cooperation activities conducted by the Center reveals that the CT field has been neglected or has not drawn the full attention of the MS.³⁰⁷ This low level of effectiveness can be explained by the overt or tacit involvement of politics and

³⁰³ Bodansky, “Osama Bin Laden Focuses on the Balkans for the New Wave of Anti-Western Terrorism.”

³⁰⁴ Woehrel, *Islamic Terrorism and the Balkans*, 5.

³⁰⁵ Ibid., 4.

³⁰⁶ “The RAND Database of World Terrorist Incidents.”

³⁰⁷ Since the other activities of the Center exceed the scope of this project, relevant data to evaluate the effectiveness of SELEC’s activities, in particular drug and human trafficking, is not provided here. However, as a general overview, it would be safe to assert that the counter trafficking operations are more fruitful and frequent than the CT operations. For further information see http://www.secicenter.org/p132/Activity_Reports

diplomatic relations in the SELEC's strategic and even operational levels. Especially during the elections of top management, diplomatic missions of the MS conduct effective lobbying activities and sign Agreements of Mutual Support. Aside from that, since some of the MS are still recovering and reconstructing their national bureaucracies, the law enforcement agencies have not been able to professionally detach from their political centers. These typical intergovernmental relation dynamics are accompanied with negative sentiments among some MS and lead the SELEC's CT activities to fall prey to political squabbling. It also causes the SELEC to be deprived of valuable and required actionable intelligence and material resources to fully accomplish its objectives in terms of CT.

On the other hand, there are some good indicators of transgovernmental relations in the SELEC. For example, the cited regional operations, the creation of the Counter Terrorism and Container Security Task Forces, and the specialized training programs with extremely limited resources can stand as proof of how peer-to-peer relations can yield fruitful results.

In terms of regionalism, the SELEC can be graded with higher marks. In some cases, the geographic proximity enables law enforcement officers to meet in one country to discuss operational issues even without advance notices and travel via low-cost transportation vehicles.³⁰⁸ Additionally, cultural, ethnic, and religious affinities help to meet upon common grounds in many cases. The focused activities that relate, in one way or another, all countries in the region and the linkages of organized crime and terrorist groups that are scattered more than one country off the major smuggling routes also assist law enforcement agencies to combine their efforts.

The most intriguing aspect of the SELEC is its role as a facilitator of integration with the EU and an indicator of its members' willingness to concur their security policies congruent with the third pillar of the EU. Even though there are some considerable discrepancies on the view of terrorism in the SEE region, which is also prevalent in other

³⁰⁸ During his service in the Foreign Relations Department of the TNP, the author has witnessed that some LOs opt to use the official or their private vehicles to attend meetings and get the meeting locations in 10 to 20 hours of driving.

regions that has suffered regional military and ethnic conflicts, the SELEC as an idea at least is a success and a great contributor in policy coordination activities. The SELEC case represents how a regional law enforcement cooperation organization can set the stage for concerted action in countering terrorism and draw the interests of major powers such as the EU and the U.S.

The SELEC case shows that transgovernmental law enforcement structures, even with scarce resources and amidst political competition, are able to produce beneficial outcomes. The desire of the national agencies to improve their effectiveness to counter terrorism that emerges from a professional efficiency standpoint stimulates these national agencies to work together. As a transgovernmental IPCO, the SELEC developed practically useful mechanisms to circumvent traditional diplomatic relations in exchanging information. Notwithstanding that, the reliance on professional evaluation has led the SELEC to focus on specific areas that have not attracted much attention from political authorities, although they have the capacity to be exploited by terrorist groups. The transgovernmental structures seems to have maintained the mutual trust among national law enforcement agencies of which political authorities sometimes cannot get along well with each other. The regional setting of the agency, as in the EUROPOL case, has been proven to be handy in addressing the cultural, linguistic, and geographic discrepancies in many cases.

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VI. DISCUSSION AND RECOMMENDATIONS

In this thesis, the author analyzed the collective efforts of police agencies at an international level to fight against transnational terrorism through the international law enforcement cooperation frameworks. INTERPOL, the UNODC, EUROPOL, and the SELEC were studied as the case studies. The author hypothesized that the variation of the effectiveness of the IPCOs can be analyzed in two dimensions: transgovernmental/intergovernmental relations and global/regional organization structures. The political detachment of the constituent police agencies from their respective political centers and the possession of an idiosyncratic organizational identity for the IPCO itself were considered as *a priori* conditions for operationalizing international law enforcement cooperation. Nevertheless, the author holds that political support is also important, in particular for coordinating the overall policies and pooling of material resources, as long as these boundaries of the involvement of politics are meticulously drawn and respected by the parties of cooperative action.

Keohane and Nye argue that the transgovernmental relations among sub-state units can be highly effective in enhancing international cooperation in the twenty first century. Deflem explains the dynamics that constitute the basis of international police cooperation through his “Bureaucratization Theory” by stating that police agencies should secure their professional autonomy from their political centers to engage in international cooperative activities and rely on the depoliticization of their activities by focusing on efficiency. Raustilla suggests that the formal and informal networks established by police officials to cooperate internationally are the blueprint of the new era’s cooperation framework that fills the gaps of formal and traditional cooperation mechanisms. That view is supplemented by the “Culture of Badge” explained by Bayer, which states that idiosyncratic police collegial understanding alleviates the mistrust between foreign police officers. As Nadelmann advocates, these dynamics jointly lead to the harmonization of policies by eliminating frictions and facilitating the cooperation activities of different police agencies.

The geographic proximity dimension of the research can be grouped into two groups: problem-centric and solution-centric. The analysis of transnational terrorist attacks since 1999 reveals that more than 90% of the terrorist incidents have been perpetrated within one geographic region. Thus, it is safe to argue that the transnational terrorism problem is still a regional problem and following that logic, it can be better addressed in a regional context, at least at a group level. On the account of the solution-centric dimension of regionalism, diminished time and absolute distances as well as linguistic, cultural, and in some case ethnic affinities can ease the cooperative action.

When the effectiveness of the utilities offered by IPCOs was analyzed through the variance on the transgovernmental/intergovernmental relations axis, the author found that this variance had different and decisive implications on the outcomes of these utilities. For instance, as shown in the case studies, the transgovernmental relations in all cases have led to the creation of sophisticated and well-structured information exchange mechanisms. These mechanisms are of great importance for the constituent police agencies because in many cases they provide the missing link in police investigations and cause the terrorist organizations to lose their information advantage over law enforcement agencies. Notwithstanding that, these mechanisms also increase the visibility and admissibility of the IPCO by the lower level law enforcement officers, in particular if they are integrated into the national criminal databases and allow automated database checks. On the account of analytical work on the terrorism threat and exchanging processed information, the data shows that the type of structural relationship, i.e., transgovernmental/intergovernmental, does not have significant impacts on the volume and/or the quality of the output. In other terms, all four organizations have strived to provide quality processed information to the member law enforcement agencies. Nevertheless, the density and the timing on the delivery of this analytic intelligence have been influenced mostly by the second IV (geographic proximity) of this thesis.

The greatest benefit of the intergovernmental settings for the IPCOs has been their increased outreach to the material resources and maintaining recognition in the international arena as a legitimate and competent actor. In almost all cases, however, these material resources have brought the challenge of compromising the professional

autonomy of the organization and depriving the ability of strategic level decision making from a professional standpoint. Moreover, another challenge for the IPCOs has been falling prey to the political squabbling between the major states and being inefficient and unresponsive at the times of crises. Some IPCOs, like INTERPOL, have tried to stay away from the abovementioned negative consequences by restraining the mandate of the organization as only dealing with politically insensitive or less sensitive crimes. On the other hand, there was another implication of the intergovernmental relations for some IPCOs. For example, the UNODC has opted to focus on merely capacity building and training activities and does not involve itself in investigative activities in order to keep the organization out of sensitive political discussions.

The impacts of the structural relationship patterns on the policy coordination and contracting power of the IPCOs can be analyzed in two levels: strategic and operational. Although intergovernmental organizations enjoy the political support and guidance of the constituent polities and exert more authority on the sub-state agencies in the ratification of international conventions, the methodologies and procedures developed by the transgovernmental organizations have had more significant and feasible outcomes on CT. In other words, at the operational level, the legal frameworks and international agreements that follow the practical methodologies built by the practitioners have yielded more fruitful outcomes. Since these methods and tactics were designed to be a remedy to real-life problems by the experts, the constituent law enforcement agencies have embraced those methods and implemented them more effectively. Additionally, the positive outcomes of these mechanisms have incentivized the political authorities to adopt and formulate them in formal regulations. Especially, the JITs in the case of EUROPOL case and the IRTs in the case of INTERPOL which can be normally interpreted as a direct attack against the monopoly of states on the legitimate use of force, have been the outcomes of that kind of bottom-up policy coordination between different states.

The analysis of these utilities of IPCOs through the second IV of this project also yields some good insights. First of all, the problem-centric approach on transnational terrorism calls for mainly regional countermeasures. A decisive majority of transnational

terrorist groups are operating within one or two geographic regions. Fighting against these terrorist groups with a network of law enforcement agencies that have the knowledge, experience, and shared concerns on the problems presumably would be a better strategy.

From a solution-centric perspective, the data shows that the effectiveness of the information exchange activities carried out by the examined IPCOs increased just after the regional structures were established. The Fusion Task Force example in INTERPOL and the creation of regional centers by the UNODC and the subsequent regional interactions and accomplishments can be explained by the positive influence of regionalism. As mentioned before, information is one of most valuable assets of law enforcement agencies and these agencies are only willing to share this information as long as they feel that they will gather the same kind of information when they need it. In addition to that, national law enforcement agencies are highly concerned about the integrity and confidentiality of the information that they pool into the IPCOs. Maintaining these two features in a global organization is considerably difficult; however, a well-structured and sophisticated IPCO can fulfill these two requirements at the same time.

On the account of capacity building activities, regional organizations have both advantages and disadvantages. The downside of the regional organizations is that they usually possess relatively limited material resources as opposed to global IPCOs. On the flip side, shared cultural values, geographic proximity, and relatively fewer linguistic barriers can decrease the operational costs of capacity building activities. These costs are great obstacles in particular for the regional organizations that are constituted by the third-world countries.

In terms of policy coordination and contracting, the utilities of regional IPCOs are twofold: first, they facilitate the mutual or multilateral policy coordination among the constituent countries in a traditional sense; second, as in the case of the SELEC, they can serve as a facilitator and a measure of readiness on the integration of the constituent countries into a major political body. The problematic part for the regional IPCOs in fulfilling the first dimension of policy coordination activities is that in many cases law

enforcement agencies of the third-world countries, unlike their counterparts in Europe and North America, have not been able to detach from their political centers in terms of maintaining their professional autonomy. In these countries, the political and strategic level decision-making is significantly intertwined. There is a challenge to build robust strategic and tactical level counterterrorism policies purely from a professional viewpoint. The examples of this problem can be seen in the case of the SELEC. EUROPOL, on the other hand, seems to have overcome this problem hinging on its deep-seated international policing experiences and adhering to the democratic governance methods. The well-established relations and open communication channels between the high level law enforcement officials and political authorities have yielded relatively better results in countering transnational terrorism.

Aside from the discussed drawbacks of different IPCOs, the other challenges for the national law enforcement agencies are the duplication of efforts and the complicating structure and methodologies of international law enforcement cooperation practices. It is a matter of fact that each IPCO starts off to fill a gap in the realm of international law enforcement cooperation. Nonetheless, as shown in the mentioned case studies, they wind up building overlapping mandates and similar practices. The duplication of efforts results as the distribution of resources are allocated for international cooperative activities by the national law enforcement agencies. Notwithstanding that, different standards devised by different IPCOs complicate the national agencies' job to keep up with the varying methodologies.

The analysis reveals that regional organizations are more effective in particular on the operational level of cooperation, but most of the time they lack the required material resources or in some case know-how to build and operate sophisticated information exchange systems. In order to tackle these impediments, a more successful solution would be encouraging regional frameworks under the leadership of global and experienced organizations. In that regard, INTERPOL's motto of "global cooperation with a regional perspective" might be a good formulation. Creation of such regional organizations can help the organizations to keep their invaluable intangible assets such as

collegial understanding and professional perspective while enabling them to efficiently cooperate at an international or regional level.

Another outcome of the author's analysis is that the tacit and to some extent, unpredicted implications of law enforcement cooperation on countering terrorism are more influential in terms of policy coordination. Formalized policy coordination initiatives can be perceived as political interdictions and stonewalled by the respective authorities; however, the same bureaucratic and political authorities may wittingly align their policies as the interaction and cooperative action mounts to desired outcomes.

The well-defined relations with political circles are of great importance for effective law enforcement cooperation. As in the case of EUROPOL, such a close relation may help law enforcement agencies to project their professional view on the political centers. Assuming that the police agencies can conceive the problems in a better sense from their first-hand experiences, such a good relationship would return a higher level of security for the societies and higher appreciation from the performances of political figures.

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